

TOD Zoning Code Section 5.11 TOD

Prepared By:
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Prepared for:
The Town of Bethel, CT

Date: 26 JUL 17

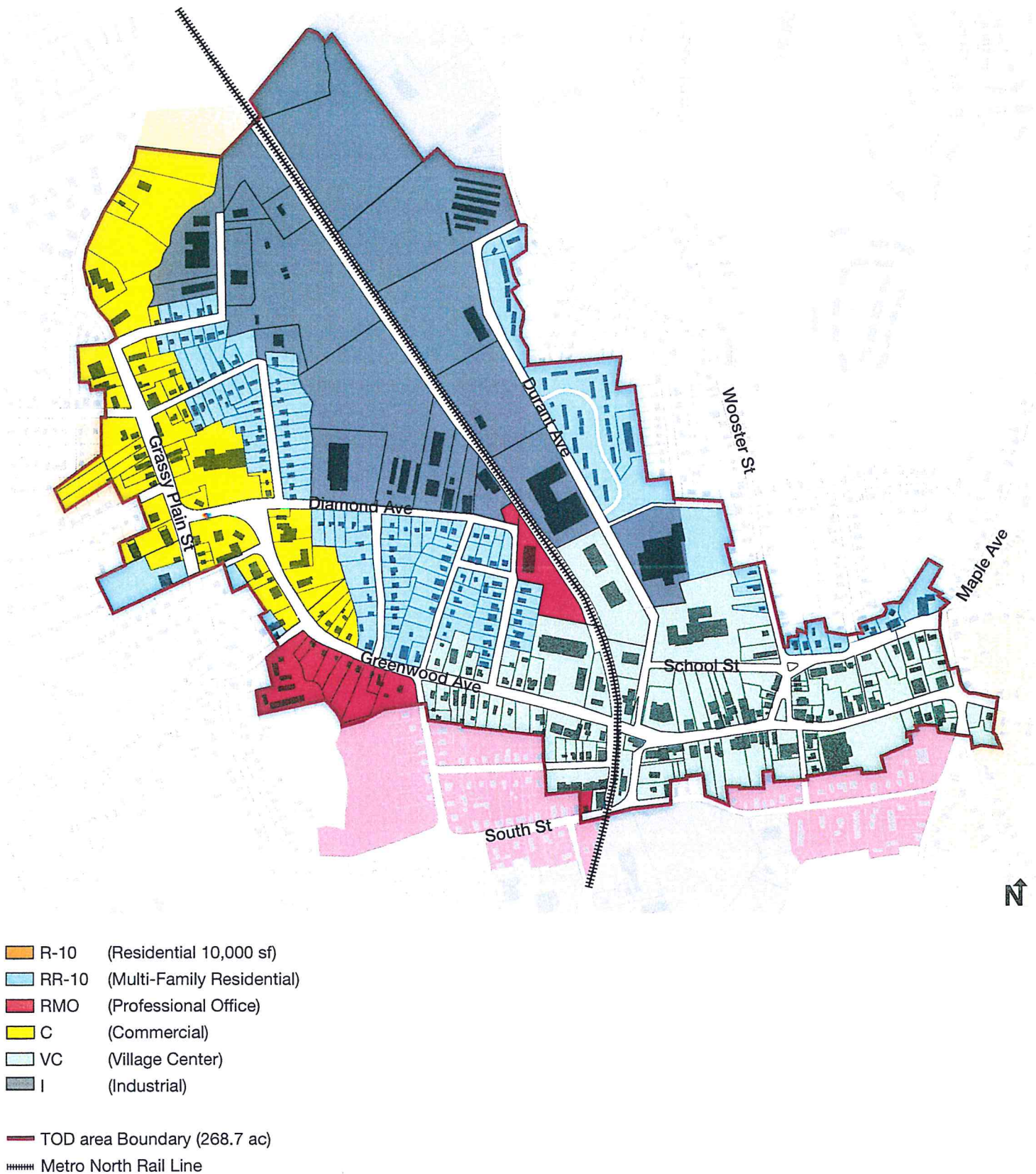


BETHEL
FORWARD

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EXISTING ZONING

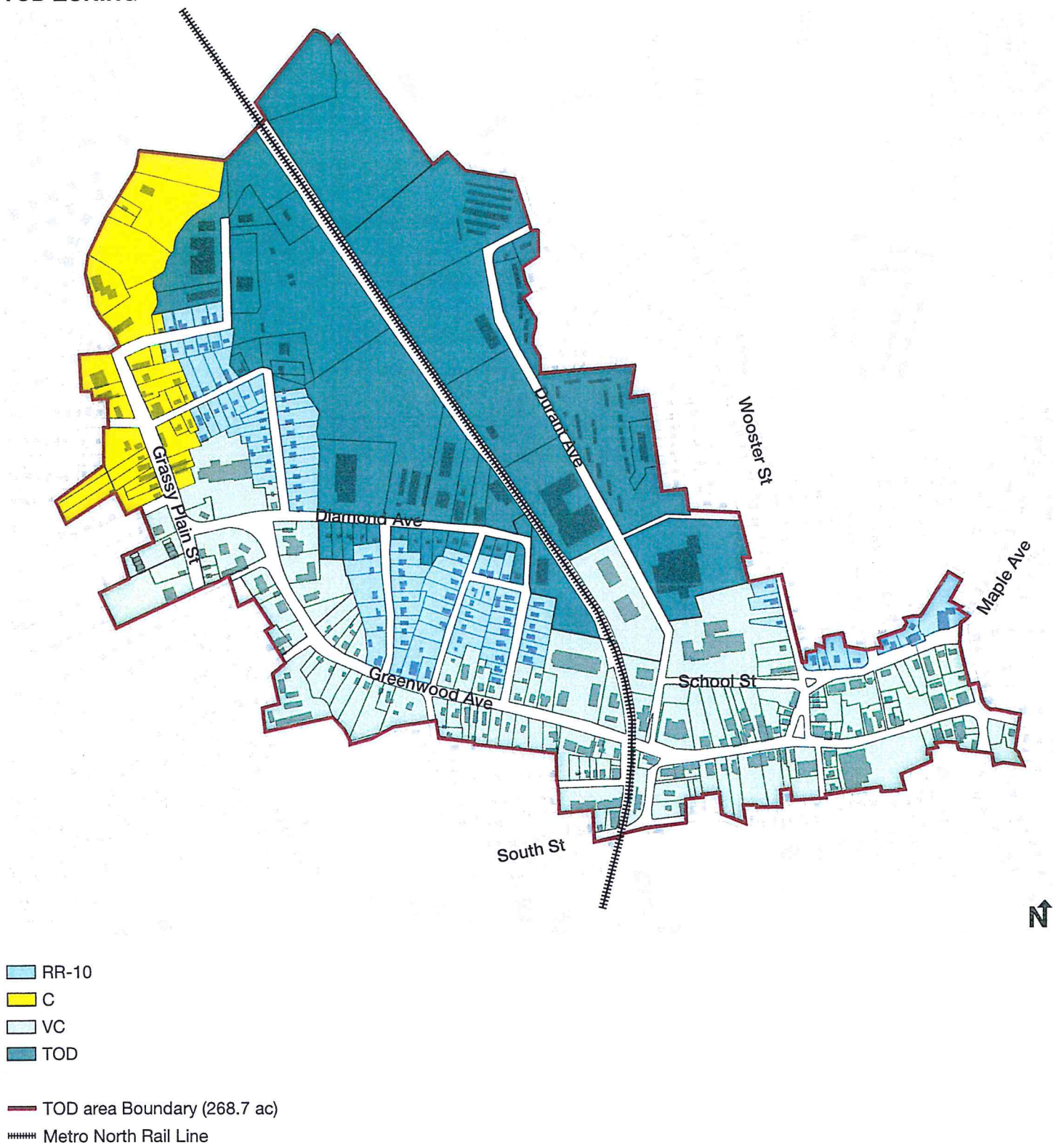
SECTION 5.9 TOD



PROPOSED ZONING MAP

SECTION 5.9 TOD

TOD ZONING



General

Section 5.11 TOD

A. Purposes

1. The purpose of the Transit-Oriented Design (TOD) zone is to guide the physical development of the area around the train station into a walkable, mixed use, connected community within an enhanced public realm.
2. The TOD zone is intended to:
 - a. Encourage a harmonious mix of building types that are in keeping with the scale and character of Bethel.
 - b. Discourage sprawl development that negatively impacts the pedestrian environment.
 - c. Prioritizing other forms of circulation over the automobile, including transit, walking and cycling that provide improved mobility and greater health benefits.
 - d. Protect environmentally sensitive lands and provide adequate open space.

B. Existing Buildings

1. Existing buildings that do not conform to the provisions of this Section, may continue in use as they are until a substantial modification is requested, at which time, the Planning and Zoning Commission shall determine the provisions of this Section that shall apply.
2. Minimum lot width, lot depth and lot areas assigned to the TOD zone shall only apply to newly platted lots and shall not preclude the redevelopment of existing lots that do not meet these standards. The redevelopment of such existing lots shall be considered a pre-existing condition and shall be allowed as of right.
3. The modification of existing buildings shall be permitted as of right if such changes result in greater conformance with the provisions of this Section.
4. Any undeveloped area over three acres, shall provide connectivity as necessary to comply with the adopted TOD master plan and with the block perimeter requirements listed in this Article.
5. Where buildings exist on adjacent lots, the Planning and Zoning Commission may require that a proposed building match one or the other of the adjacent setback, rather than the provisions of this Section, if those setbacks establish a dominant and desired character.

C. NEW BUILDINGS

1. In this zone, all new construction shall be required to identify the type(s) of building type(s) to be constructed, as permitted in this section.
2. **All new construction requires site plan approval.**
3. Each unit type will be required to conform to the dimensional building placement and form standards in "Section 5.11.4 Dimensional Standards by Form" on page 16 .

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D. Block Standards

1. Intent: Requiring human-scaled block sizes is an important requirement in ensuring the TOD area develops as a walkable urban area that facilitates pedestrian movement.
2. Block sizes shall have a maximum perimeter of 2,000 feet. They shall be measured along the street right-of-way perimeter. Any deviation from this standard shall require the approval of the Planning and Zoning Commission. Blocks that include civic spaces, and/or environmental or topographic challenges may be exempt.
3. Blocks with perimeters greater than 2,000 feet shall be required to provide mid-block pedestrian passages that are continuously open to the public and connect public streets.
4. Mid-block pedestrian passages between buildings shall be a minimum of 12 feet wide. They may be hardscaped or softscaped and shall be well lit for security and comfort purposes.

E. Nature of the District

The TOD is an overlay district. The requirements and provisions of the TOD shall supplement the requirements and provisions of the underlying zone

F. Prohibited Uses

Notwithstanding any other provision of these Regulations, the basic manufacture, processing or fabrication of the following commodities is not permitted in a TOD Zone:

1. Abrasives.
2. Animal by-products.
3. Bone black.
4. Carbon black and lampblack.
5. Charcoal.
6. Cinder and cinder blocks.
7. Clay and clay products except that artisanal grain milling shall be permitted within a maximum building footprint of 1,000 square feet.
8. Coal or coke.
9. Electric power generator station.
10. Fermented fruits and vegetable products.
11. Fertilizers.
12. Fungicides.
13. Garbage truck / hauling.
14. Gases (other than nitrogen and oxygen).
15. Glue and size.

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16. Grain milling, except that artisanal grain milling shall be permitted within a maximum building footprint of 1,000 square feet.
17. Graphite.
18. Gypsum and other forms of plaster base.
19. Insecticides.
20. Insulation (flammable types).
21. Junk including, but not limited to, old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
22. Matches.
23. Meat slaughtering or packing.
24. Metals, except that artisanal metalwork shall be permitted within a maximum building footprint of 1,000 square feet.
25. Metal ingots, pigs castings, sheets or bars.
26. Oils and fats (animal and vegetable).
27. Paints, pigments, enamels, japans, lacquers, putty, varnishes, whiting and wood fillers.
28. Paraffin.
29. Petroleum and petroleum products.
30. Portland and similar cements.
31. Refuse bin storage.
32. Repossession companies.
33. Rubber.
34. Sawmill or planing mill.
35. Serums, toxins or viruses.
36. Sugars and starches.
37. Tannery.
38. Turpentine.
39. Wax and wax products, except that artisanal wax and wax products shall be permitted within a maximum building footprint of 1,000 square feet.
40. Wood preserving by creosoting or other pressure impregnation of wood by preservatives.
41. Asphalt, bituminous and cement-based concrete, stone or gravel.

Section 5.11.3 Permitted Uses

Section 5.11 TOD

A. RETAIL / WHOLESALE USES		TOD
1	Retail store with no areas for the service or consumption of food.	permitted
2	Retail store where any areas used for the service or consumption of food is 10 percent or less of the gross floor area and occupies less than 10,000 2,000 square feet.	permitted
3	Retail store where any areas used for the service or consumption of food exceeds 10 percent of the gross floor area or occupies 10,000-2,000 square feet or more.	permitted
4	Outside storage or display of merchandise.	permitted
5	Retail sale limited to commodities that are manufactured, processed, fabricated or warehoused on the premises provided the total floor area devoted to retail sales does not exceed 20% of the gross floor area of the building.	permitted
6	Retail sale limited to equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction, with the exception of commercial explosives.	permitted
7	Sale at wholesale of any commodity except live animals and commercial explosives.	permitted

B. OFFICE USES		TOD
1	General or business office.	permitted
2	Medical or dental office, clinic or laboratory.	permitted

Section 5.11.3 Permitted Uses

Section 5.11 TOD

C. SERVICE USES		TOD
1	Personal service establishment (see definition), excluding tattoo parlor or massage therapy.	permitted
2	Service establishment (repair, rental and/or service) of any item which is allowed to be sold in the zone, except motor vehicles and trailers.	permitted
3	Self-service automatic laundry establishment provided: a. it shall not contain more than 35 washers and dryers in total. b. on-site washing may be provided as a service.	permitted
4	Dry cleaning establishment provided that: <ul style="list-style-type: none"> a. No petroleum derivative solvents are used as a general cleaning solvent (may be used for spotting only). b. No steam is discharged under pressure into the atmosphere. c. Such establishment does not dry clean clothes from collection stations or from other plants. 	permitted
5	Child day-care center.	permitted
6	Adult day-care center.	permitted
7	Animal hospital or veterinarian office.	special permit
8	Pet grooming or pet training.	special permit
9	Pet day-care facility or pet boarding facility.	special permit
10	Funeral home. <ul style="list-style-type: none"> a. Crematory facility for the disposal by incineration of the dead, provided: <ul style="list-style-type: none"> a. No such crematory facility shall be located within two (2) miles of any other crematory facility; b. Any discharge point from such crematory facility, such as a chimney or smokestack, shall be located at least 1,000 feet from any residence, and shall be screened from view in all directions; c. Any Structure containing a retort shall be located at least five hundred feet from any land zoned for residential purposes not owned by the owner of the crematory; d. No more than two (2) retorts shall be installed in any such crematory facility; e. A dedicated loading space shall be provided which is screened from view from all roadways adjoining the property with a vegetative screen; f. The crematory facility shall be located indoors within structures, including any viewing areas; g. No funerals or memorial services may be conducted on the premises unless a special permit for a funeral home is issued pursuant to Section 4.3 (C) (10). Use of a viewing area to view the process of incineration shall not constitute a funeral or memorial service; and h. The Planning & Zoning Commission may, but need not, consider an application for approval of the location of a crematory facility pursuant to Conn. Gen. Stat. § 19a-320 (b) simultaneously with the required application for special permit. 	<u>Not permitted</u>
11	School for training in special occupational skills where: a. enrollment may be open to the public or limited. b. The school may include dormitories for students and instructors.	special permit

Section 5.11.3 Permitted Uses*Section 5.11 TOD*

D. FINANCIAL INSTITUTION USES		TOD
1	Bank, credit union, or savings and loan association (state or federally chartered) excluding any drive-through facilities.	permitted

E. FOOD / HOSPITALITY USES		TOD
1	Sit-down restaurant.	permitted
2	Sit-down restaurant accessory to a hotel, motel, or motor hotel use.	permitted
3	Outdoor dining accessory to a sit-down restaurant, including the placement of seating and tables out of doors and food served thereat, subject to all of the following conditions: a. Such service shall be accessory to an indoor restaurant, b. The outdoor eating area shall be contiguous to the restaurant to which it is accessory, and c. Umbrellas may be used in the outdoor eating area to provide protection from the elements provided they are secured and weighted on the bottom and are closed when not in use. In no circumstances shall a tent or a canvas or plastic canopy be used.	permitted
4	Restaurant, fast food.	not permitted
5	Restaurant, other.	permitted
6	Hotel, motel or motor hotel, which may include a sit-down restaurant (but not a fast-food restaurant or any drive-through facilities), banquet hall and/or conference center.	permitted
7	A catering establishment where food is prepared for delivery and consumption off the premises.	permitted

Section 5.11.3 Permitted Uses

Section 5.11 TOD

F. RECREATION USES		TOD
1	Interior recreation uses including but not limited to theater, billiard parlor, bowling alley.	permitted
2	Exterior recreational uses, including but not limited to baseball batting facility, miniature golf course, tennis facilities, ice skating facilities and golf driving ranges.	special permit
3	Athletic club provided: a. All activities shall take place within an enclosed building b. All activities shall be confined to members and guests and not be extended to the general public. c. Noise level shall be zero decibels ambient at any property line bordering residential property. d. Screening and landscaping shall be as required in Section 6.1.	permitted
4	Park or playground areas operated by a governmental unit.	special permit

G. INSTITUTIONAL USES		TOD
1	Government facilities	special permit
2	Public services, including ambulance service, fire station, library, police station, post office and terminal for public vehicles (including repair or storage).	special permit
3	Religious facility	special permit
4	Club, lodge or fraternal organization (private and operated for the benefit of the members and not for gain).	special permit
5	Museum.	special permit

H. AGRICULTURAL / ANIMAL USES		TOD
1	Farming, forestry or horticulture.	not permitted
2	Nurseries and the accessory sale of produce and plants provided the Commission shall approve areas for outside display.	special permit

Section 5.11.3 Permitted Uses

Section 5.11 TOD

I. RESIDENTIAL USES		TOD
1	A single-family dwelling, one per lot	permitted
2	A two-family building, one per lot	permitted
3	A townhouse, one per lot	permitted
4	An urban villa, up to 6 units per lot a. With an application for the Incentive Housing Zone	permitted
5	Residential use, in a structure for residential use only, with a density of up to 30 units per acre a. With an application for the Incentive Housing Zone	permitted
6	Multi-family in the same structure with other permitted uses, provided that: a. The residential density shall not exceed 30 units per acre. b. All apartments meet the minimum floor area requirements of Subsection 5.5.E 5.6.E.10 of the RM-O regulations regarding apartment dwellings. c. No other permitted use shall be allowed on a floor of a structure located at a higher level than a floor containing apartments. d. With an application for the Incentive Housing Zone	permitted
7	A community or child care residence provided that such facility is located at least one thousand feet from any other community residence or child-care residential facility.	special permit
8	A rear lot	not permitted
9	Mobile Home	not permitted
10	Conservation Subdivision	not permitted

J. ASSISTED LIVING USES		TOD
1	Assisted living facility, congregate housing, continuing care retirement community, or a nursing facility provided that: a. The maximum number of dwelling units allowed shall be 30 units per acre. (Efficiencies are counted as one bedroom.) b. The maximum height of the building shall not exceed 3 stories. c. The maximum allowable building coverage shall be 60%.	permitted

Section 5.11.3 Permitted Uses

Section 5.11 TOD

K. MOTOR VEHICLE SERVICE and REPAIR USES		TOD
1	Motor vehicle wash and/or auto detailing establishment provided that: <ul style="list-style-type: none">a. The primary function shall be limited to washing and/or polishing motor vehicles only.b. Services are provided in the rear of the lot, and shielded by a liner building.c. Secondary functions may only include retail sales of automobile accessories, oil, grease, antifreeze, tires and batteries and services related to the installation of the foregoing items.d. All operations shall be completely enclosed except for the drying of vehicles and the vacuuming of the interior of vehicles.e. All wastewater shall be discharged directly into the sewer.f. No motor vehicles, service trucks or trailers shall be displayed.	<u>Not permitted</u>
2	Service of motor vehicles with more than three (3) wheels (limited repair license or general repair license) provided that: <ul style="list-style-type: none">a. a public hearing has been held before the Zoning Board of Appeals as required by law.b. The building coverage of all structures (including any canopies) does not exceed 50% of the area of the lot.c. For a limited repair license, services are limited to those permitted under the license.d. For a general repair license, services are limited to those proposed by the applicant, permitted under the license, and approved by the Commission.e. Motor vehicle sales are not permitted.f. Adequate buffers are provided to adjacent properties.	<u>Not permitted</u>

Section 5.11.3 Permitted Uses

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L. MOTOR VEHICLE SALES USES		TOD
1	Automobile sales provided that: <ul style="list-style-type: none">a. The primary function shall be the sales at retail of new or used motor vehiclesb. Secondary functions may only include retail sales of used motor vehicles, motor vehicle accessories, fuel, oil, grease, anti-freeze, tires and batteries and repair services to the extent of installing the foregoing items, making minor mechanical adjustments, rebuild or overhaul engines, repair bodies, repaint motor vehicles, reupholster motor vehicles, steam clean automobiles or motors and wash and polish motor vehicles.c. No trucks or trailers having a capacity of more than six tons (determined by the difference between the light weight and gross weight on the vehicle registration) shall be serviced or displayed.d. No recapping of tires or dismantling or cannibalization of vehicles shall occur.e. All display areas are screened from any adjacent residential district by a wall at least five feet high.f. Adequate parking is provided on-site for all inventory, customers and employees.g. Motor vehicles displayed outside a completely enclosed structure have individual signs only within such automobiles.	not permitted

M. STORAGE USES		TOD
1	Outside storage or display of material.	special permit
2	Outside storage of material as an accessory use provided that: <ul style="list-style-type: none">a. It shall be fully screened from any street, highway or residential district.b. No material shall be stored at a height greater than 50% of the height of the main building on the lot or 24 feet, whichever is less.c. The area covered by such storage shall not exceed 25% of the area of building coverage of primary buildings for the use to which the storage is accessory except if authorized by the Commission at the time of site plan approval.	special permit
3	Warehousing and/or storage of any commodity except live animals and commercial explosives.	special permit

Section 5.11.3 Permitted Uses

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N. INDUSTRIAL USES		TOD
1	<p>Light industrial use such as manufacturing, fabricating, processing, assembling and testing, engineering development and marketing development of products and accessory uses (such as offices, sales rooms and storage for the wholesale distribution of items manufactured and/or assembled on the premises) provided that:</p> <ul style="list-style-type: none">a. The use shall be totally contained within the structure.b. The uses shall comply with Section 4.6.D.c. There shall be no outside storage.d. Storage, warehouse uses and distribution centers are prohibited except as incidental to a permitted use (truck terminals are prohibited).	permitted
2	<p>Manufacturing provided that:</p> <ul style="list-style-type: none">a. uses meet the performance standards as set forth in Subsection 4.6.D.b. the manufacture, processing or fabrication of the commodities listed in Section 4.6.E is specifically not permitted unless such activity is:<ul style="list-style-type: none">i. operated as an accessory use where the products are not manufactured as a final product for sale.ii. approved by the Commission as a Special Permit.iii. operated and maintained under the same ownership and on the same lot as the permitted uses.	permitted
3	<p>Contractor yard for vehicles, equipment, materials and/or supplies which complies with all of the following conditions:</p> <ul style="list-style-type: none">a. Is properly graded for drainage, surfaced with concrete, asphaltic concrete, asphalt, oil or any other dust-free surfacing and maintained in good condition, free of weeds, dust, trash and debris.b. Is provided with barriers of such dimensions that occupants of adjacent structures are not unreasonably disturbed, either by day or by night, by the movement of vehicles, machinery, equipment or supplies.c. Is provided with entrances and exits so located as to minimize traffic congestion.d. Is provided with barriers of such type and so located that no part of parked vehicles will extend beyond the yard space or into the setback space from a zone lot line abutting a residential zone lot or separated therefrom by a street.e. Lighting facilities are so arranged that they neither unreasonably disturb occupants of adjacent residential properties nor interfere with traffic.	not permitted

Section 5.11.3 Permitted Uses

Section 5.11 TOD

O. UTILITY / TRANSPORTATION USES		TOD
1	Utilities, including gas regulation stations, telephone exchanges, pumping stations, aboveground water storage tank, water reservoirs and satellite and cable television facilities.	special permit
2	Electric substation provided that exposed transformers shall be shielded by an enclosing fence or wall at least six feet high and adequate to obstruct view, noise and passage of persons or materials.	special permit
3	Parking and/or commercial storage of vehicles: need not be enclosed, provided that any part of such use conducted outside a completely enclosed structure shall comply with all specifications for maintenance hereinafter required for off-street parking spaces.	not permitted
4	Railroad facilities, but not including shops.	special permit
5	Landing or takeoff area for rotorcraft, not including maintenance, repair, fueling or hangar facilities.	not permitted

Section 5.11.3 Permitted Uses

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P. Accessory Uses & Structures		TOD
1	Outside Parking – In accordance with Section 6.2.I of these regulations.	special permit
2	Home-Based Business - A home-based business in accordance with Subsection 3.6.B of these Regulations when indicated as permitted without a permit.	permitted
3	Keeping of Animals– The keeping of animals in accordance with Subsection 6.11 of these Regulations when indicated as permitted without a permit.	special permit
4	Day Care - Family day-care home provided that: <ul style="list-style-type: none"> a. The facility is licensed by the State of Connecticut. b. The licensed care provider resides in the dwelling. c. Not more than one employee in addition to the care provider is permitted. 	permitted
5	Garage - An attached or detached garage accessory to a residence for the use of the occupants of the premises provided that: <ul style="list-style-type: none"> a. The garage space shall not be for more than three motor vehicles on any lot b. One space in a private garage on each lot may be used for storage of a commercial vehicle of not more than 1-1/2 ton capacity as measured by the difference between the light weight and gross weight as indicated on the motor vehicle registration. c. Space in a private garage may be rented to persons not resident on the premises for storage of noncommercial vehicles only. d. Relevant provisions of Subsection 6.2.G are complied with. 	permitted
6	Tag Sale – A tag sale, provided that: <ul style="list-style-type: none"> a. Not more than one tag sale shall be conducted per property in any calendar year. b. Such tag sale shall not be conducted for more than three consecutive calendar days. c. A maximum of six signs may be placed. d. All signs shall be removed within 24 hours of the end of the sale. 	permitted
7	Greenhouse - Greenhouses and shade houses provided that: <ul style="list-style-type: none"> a. The parcel shall contain at least three (3) acres of land. b. No more than a total of four greenhouses and shade houses, each containing 1,000 square feet or less, shall be permitted. c. No such structure shall be located less than 100 feet from any property line. 	special permit

Section 5.11.3 Permitted Uses

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	d. Such greenhouses and shade houses shall be required to meet the requirements of Section 3.4.	
8	Agricultural Uses – Sale of agricultural products and other agricultural uses when in accordance with Subsection 3.6.E of these Regulations.	special permit
9	Other Accessory Buildings - Sheds, barns, and other buildings and structures subordinate and customarily incidental to a permitted use.	permitted
10	Bed-And Breakfast - A bed-and breakfast establishment in accordance with Subsection 3.6.D of these Regulations.	permitted
11	Accessory Apartment - An accessory apartment in accordance with Subsection 3.6.C of these Regulations.	permitted

SECTION 5.11.4 DIMENSIONAL STANDARDS

5.11.4A SUMMARY TABLE

Section X.4 Dimensional Standards Summary		Single-Family	Tower House / Cottage	Two-Family	Townhouse	Tuck-Under TH	Urban Villa	Live-Work	Multi-Family	Mixed-Use
A. Minimum Lot Requirements <i>(see the following pages for specific requirements by building type)</i>										
1. Requirements										
a.	Minimum lot area (sq. ft.)	3,200	1,600	1,920	1,280	640	N/A	1,280	N/A	N/A
b.	Minimum lot width (ft)	40	40	24	16	16	72	20	72	N/A
c.	Minimum lot frontage (%)	50	50	50	100 ⁽¹⁾	100 ⁽¹⁾	70	70	70	70
B. Minimum Setback Requirements <i>(see the following pages for specific requirements by building type)</i>										
1. Setback For A Permitted Use										
Front (ft)										
a.	Principal Building	15	15	15	5	5	10	2	10	2
Side (ft)										
b.	Principal Building (Interior/Corner)	5	5	5	0/5	0/5	5	0/2	5	5
c.	Accessory Structure (Interior/Corner)	0/5	N/A	0/5	0/5	N/A	N/A	N/A	N/A	N/A
Rear (ft)										
e.	Principal Building	20	5	20	40	5	30	2	2	2
f.	Accessory Structure	2	N/A	2	2	N/A	N/A	N/A	N/A	N/A
C. Maximum Building Coverage Limitations <i>(see the following pages for specific requirements by building type)</i>										
	Maximum building coverage	65	80	70	80	80	70	80	70	90
D. Maximum Commercial Floor Area Limitations <i>(see the following pages for specific requirements by building type)</i>										
	Maximum commercial floor area	N/A	N/A	N/A	N/A	N/A	N/A	2,000	N/A	N/A
E. Maximum Building Height Limitations <i>(see the following pages for specific requirements by building type)</i>										
	Principal building height (stories)	2.5	3	2.5	3	3	3	3	4-3	4
	Accessory building height (stories)	2	N/A	2	2	N/A	N/A	N/A	N/A	N/A

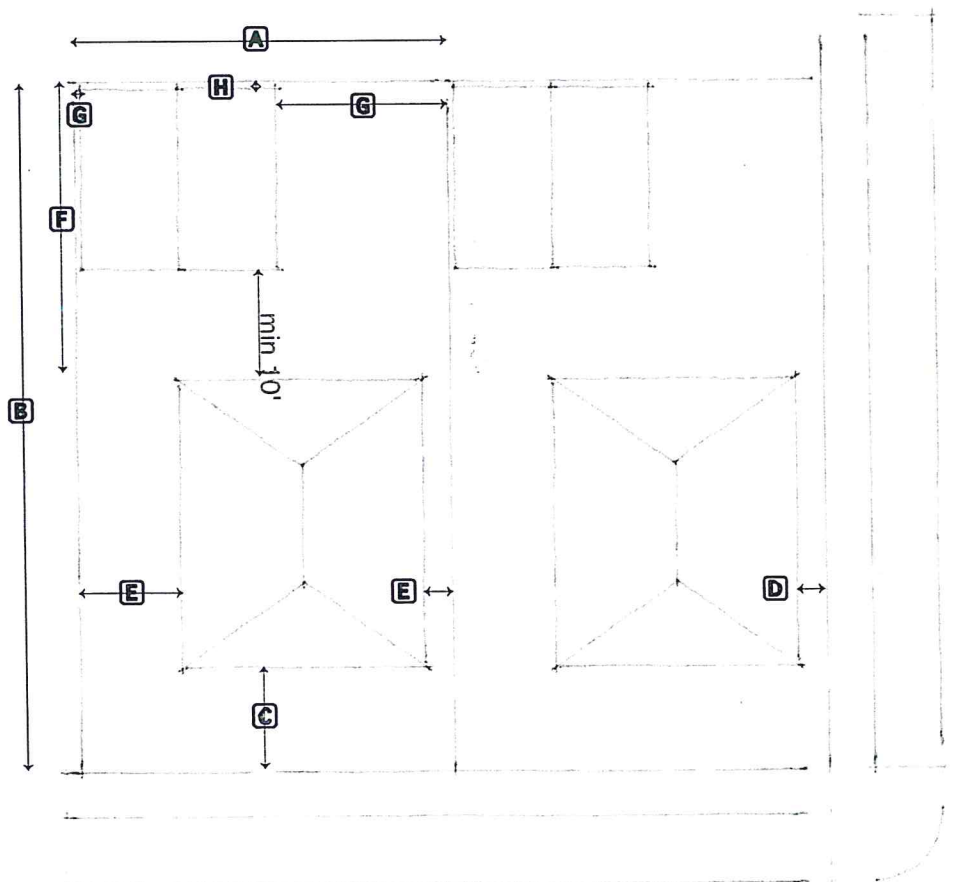
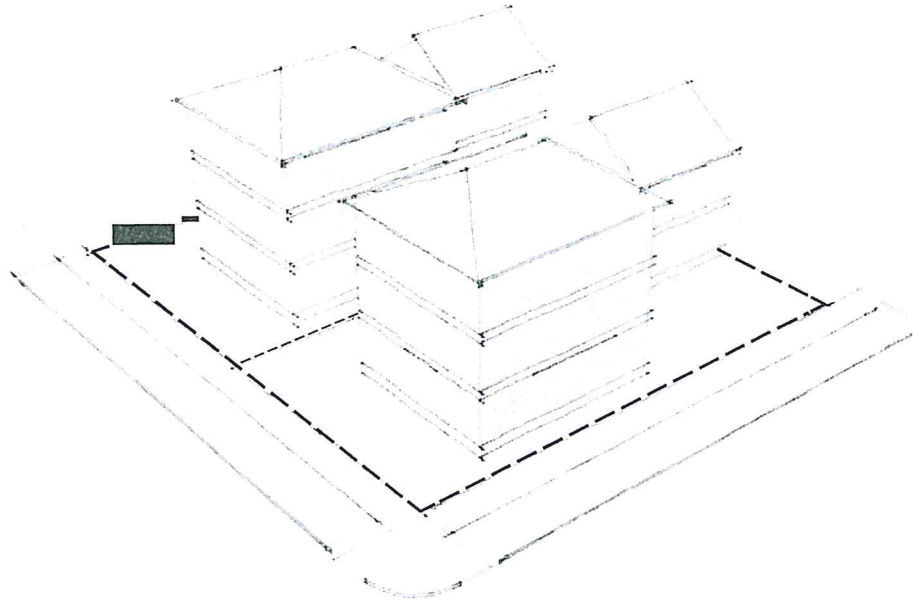
(1) Except end units

SECTION 5.11.4 DIMENSIONAL STANDARDS BY FORM

5.11.4B - SINGLE-FAMILY

LOT OCCUPATION	
A Lot Width (min.)	40 ft.
B Lot Depth (min.)	80 ft.
Lot Area (min.) / (max.)	3,200 s.f
Building Coverage (max.)	65%
Lot Frontage (min.)	50 %
SETBACKS	
Principal Building	
C Front Setback (min.)	15 ft.
D Side Setback (corner) (min.)	5 ft.
<input type="checkbox"/> Side Setback (interior) (min.)	5 ft.
F Rear Setback (min.)	20 ft.
Accessory Building / Garage ⁽¹⁾	
G Side Setback (min.)	0 ft. / 5ft. (corner)
H Rear Setback (min.)	2 ft.of the roof
BUILDING HEIGHT	
Principal Bldg (max.)	2.5
Arcade (max.)	N/A
Accessory (max.)	2
PARKING (SEE SECTION 6.2)	
NOTES	

1. Accessory Buildings shall not exceed a 484 sq.ft. maximum footprint.
2. Maximum 30 ft to the mid point

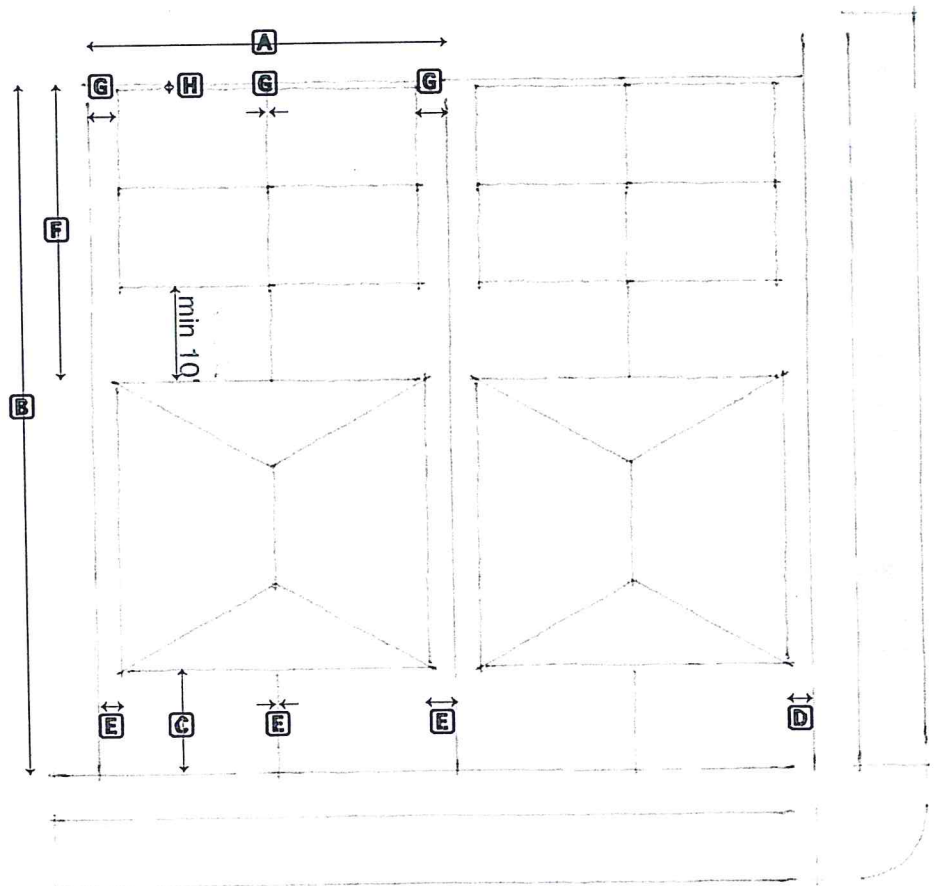
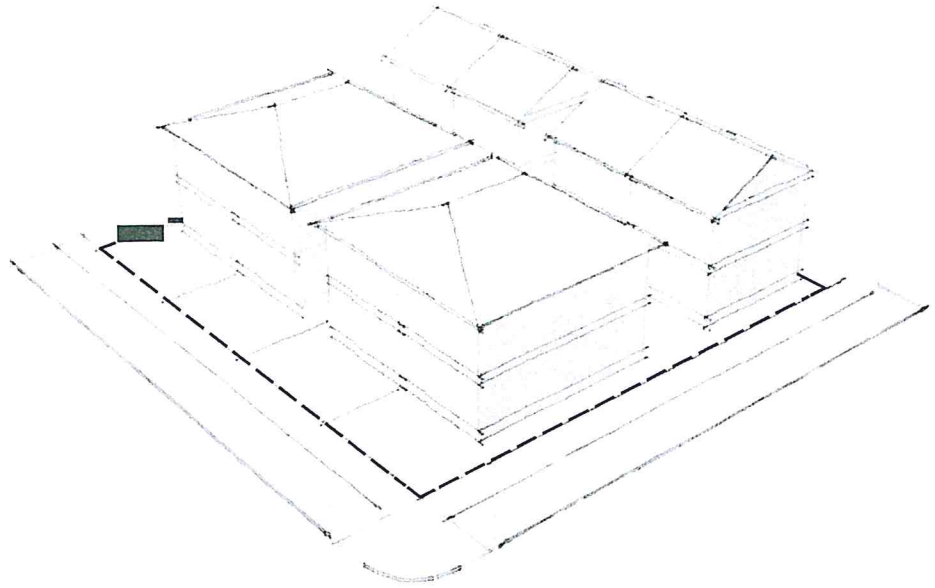


SECTION 5.11.4 DIMENSIONAL STANDARDS BY FORM

5.114D - TWO-FAMILY (DUPLEX)

LOT OCCUPATION	
A Lot Width (min.)	24 ft.
B Lot Depth (min.)	80 ft.
Lot Area (min.) / (max.)	1,920 s.f.
Building Coverage (max.)	70%
Lot Frontage (min.)	50%
SETBACKS	
Principal Building	
C Front Setback (min.)	15 ft.
D Side Setback (corner) (min.)	5 ft.
E Side Setback (interior) (min.)	5 ft. / 0 ft.
F Rear Setback (min.)	20 ft.
Accessory Building / Garage ⁽¹⁾	
G Side Setback (min.)	0 ft. / 5 ft. (corner)
H Rear Setback (min.)	2 ft.
BUILDING HEIGHT	
Principal Bldg (max.)	2.5
Arcade (max.)	N/A
Accessory (max.)	2
PARKING (SEE SECTION 6.2)	
NOTES	

1. Accessory Buildings shall not exceed a 484 sq.ft. maximum footprint.

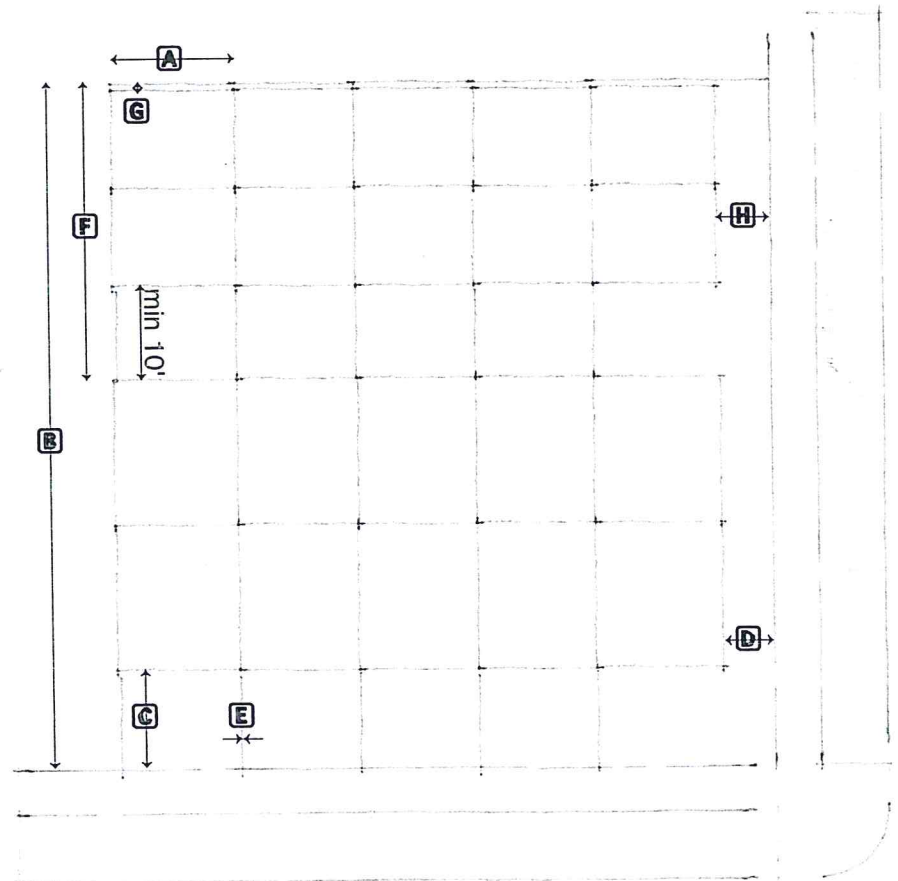
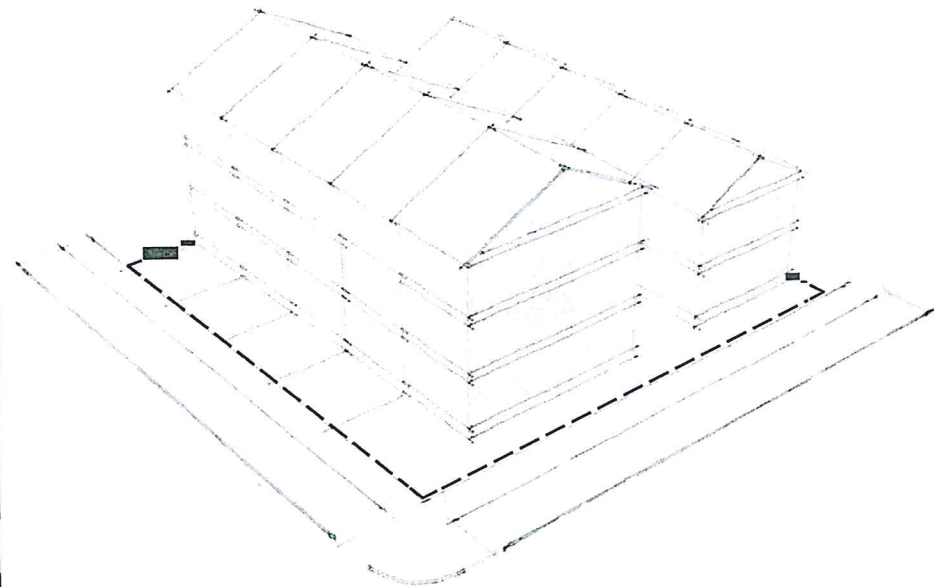


SECTION 5.11.4 DIMENSIONAL STANDARDS BY FORM

5.11.4E - TOWNHOUSE

LOT OCCUPATION	
A Lot Width (min.)	16 ft.
B Lot Depth (min.)	100 ft.
Lot Area (min.) / (max.)	
1,280 s.f.	
Building Coverage (max.)	80%
Lot Frontage (min.) ⁽¹⁾	100%
SETBACKS	
Principal Building	
C Front Setback (min.)	5 ft.
D Side Setback (corner) (min.)	5 ft.
E Side Setback (interior) (min.)	0 ft.
F Rear Setback (min.)	40 ft.
Accessory Building / Garage ⁽²⁾	
G Rear Setback (min.)	2 ft.
H Side Setback (min.)	0 ft / 5 ft. (corner)
BUILDING HEIGHT	
Principal Bldg (max.)	3
Arcade (max.)	N/A
Accessory (max.)	2
PARKING (SEE SECTION 6.2)	
NOTES	

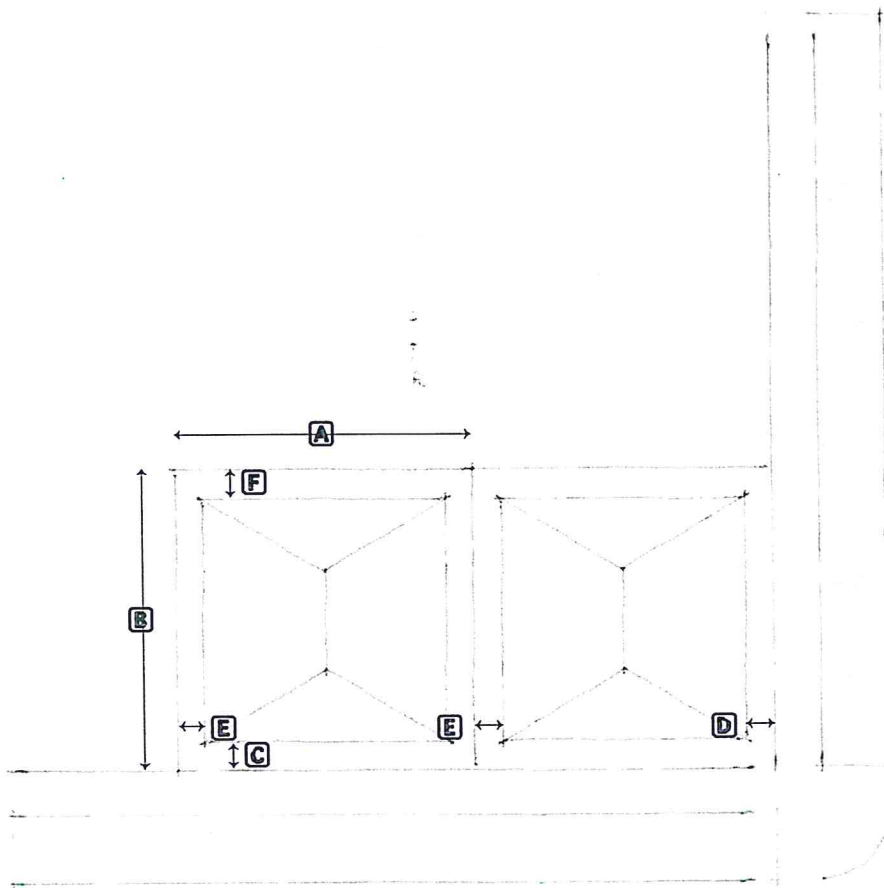
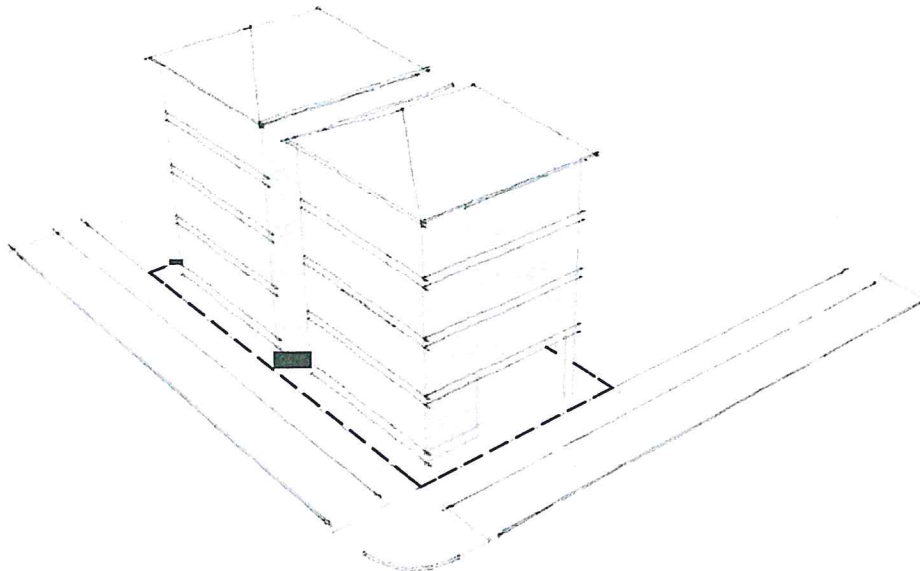
- 1. Except for end-units.
- 2. Accessory Buildings shall not exceed a 484 sq.ft. maximum footprint.



SECTION 5.11.4 DIMENSIONAL STANDARDS BY FORM

5.11.4C - TOWER HOUSE

LOT OCCUPATION		
A Lot Width (min.)	40 ft.	
B Lot Depth (min.)	40 ft.	
Lot Area (min.) / (max.)		1,600 s.f
Building Coverage (max.)		80 %
Lot Frontage (min.)		50 %
SETBACKS		
Principal Building		
C Front Setback (min.)	15 ft.	
D Side Setback (corner) (min.)	5 ft.	
E Side Setback (interior) (min.)	5 ft.	
F Rear Setback (min.)	5 ft.	
Accessory Building / Garage		
G Side Setback (min.)	N/A	
H Rear Setback (min.)	N/A	
BUILDING HEIGHT		
Principal Bldg (max.)		3
Arcade (max.)		N/A
Accessory (max.)		N/A
PARKING (SEE SECTION 6.2)		
NOTES		

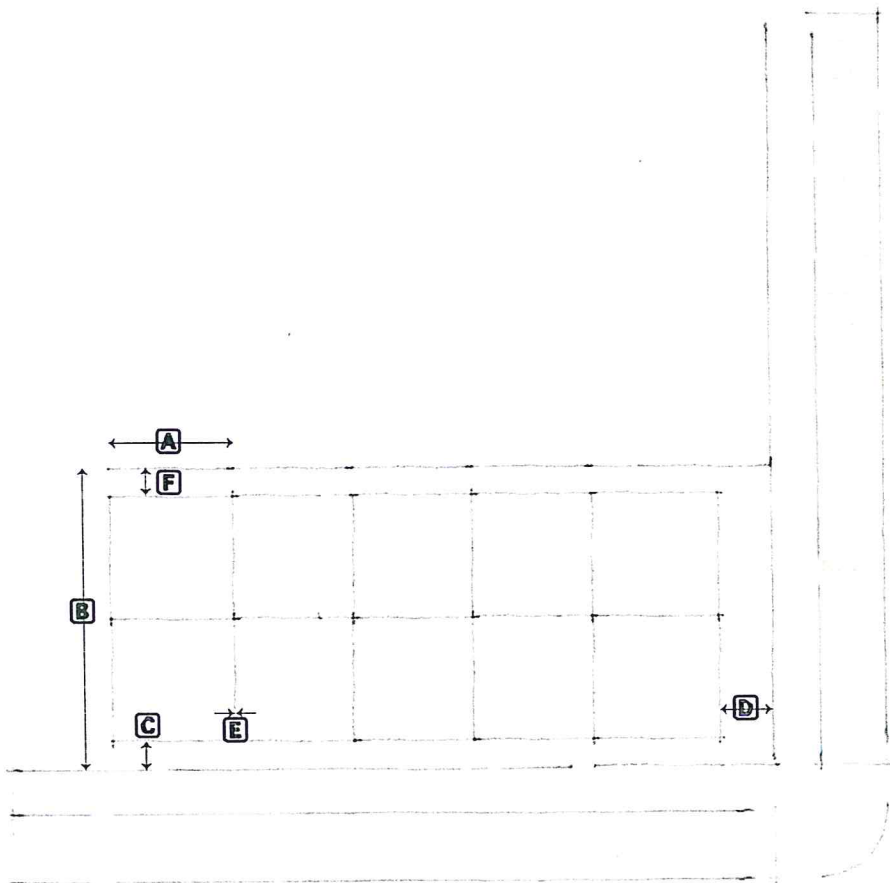
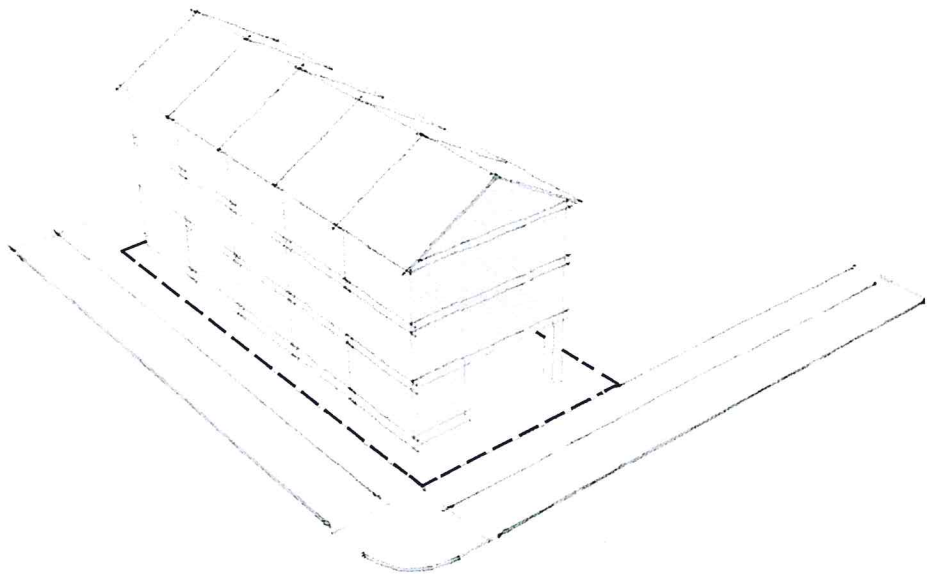


SECTION 5.11.4 DIMENSIONAL STANDARDS BY
FORM

5.11.4F - TUCK-UNDER TOWNHOUSE

LOT OCCUPATION	
A Lot Width (min.)	16 ft.
B Lot Depth (min.)	40 ft.
Lot Area (min.) / (max.)	640 s.f.
Building Coverage (max.)	80%
Lot Frontage (min.) ⁽¹⁾	100%
SETBACKS	
Principal Building	
C Front Setback (min.)	5 ft.
D Side Setback (corner) (min.)	5 ft.
<input type="checkbox"/> Side Setback (interior) (min.)	0 ft.
F Rear Setback (min.)	5 ft.
Accessory Building / Garage	
G Side Setback (min.)	N/A
H Rear Setback (min.)	N/A
BUILDING HEIGHT	
Principal Bldg (max.)	3
Arcade (max.)	N/A
Accessory (max.)	N/A
PARKING (SEE SECTION 6.2)	
NOTES	

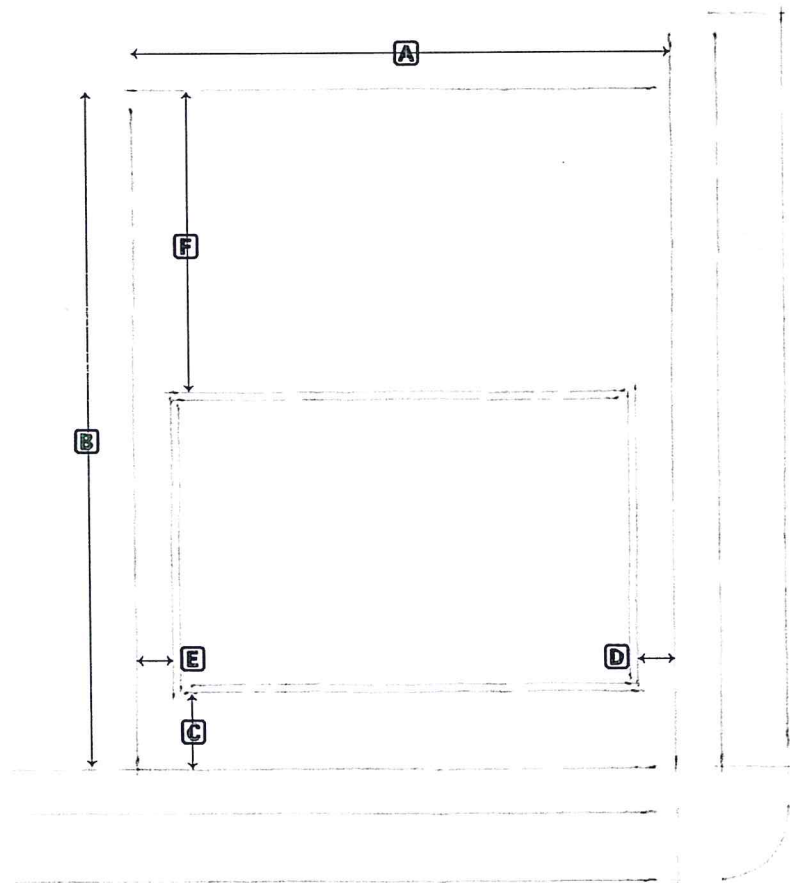
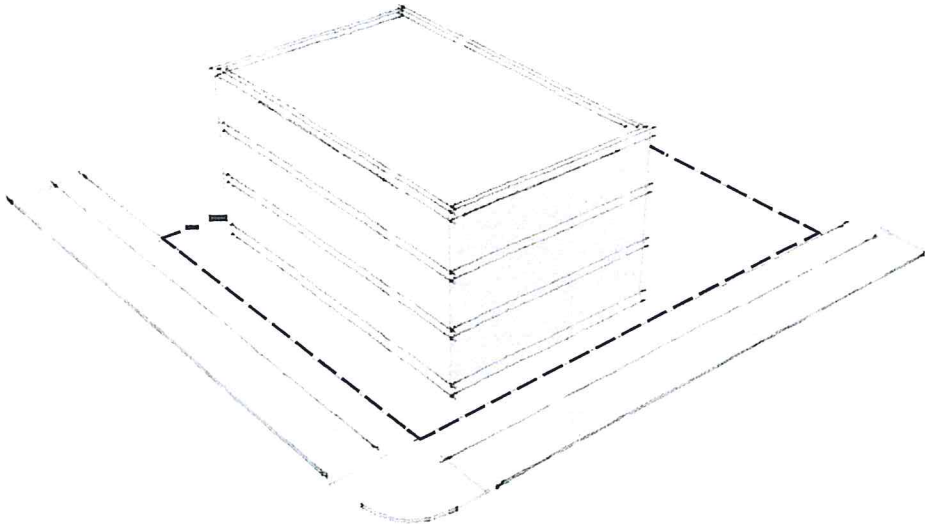
1. Except for end-units.



SECTION 5.11.4 DIMENSIONAL STANDARDS BY FORM

5.11.4G - URBAN VILLA

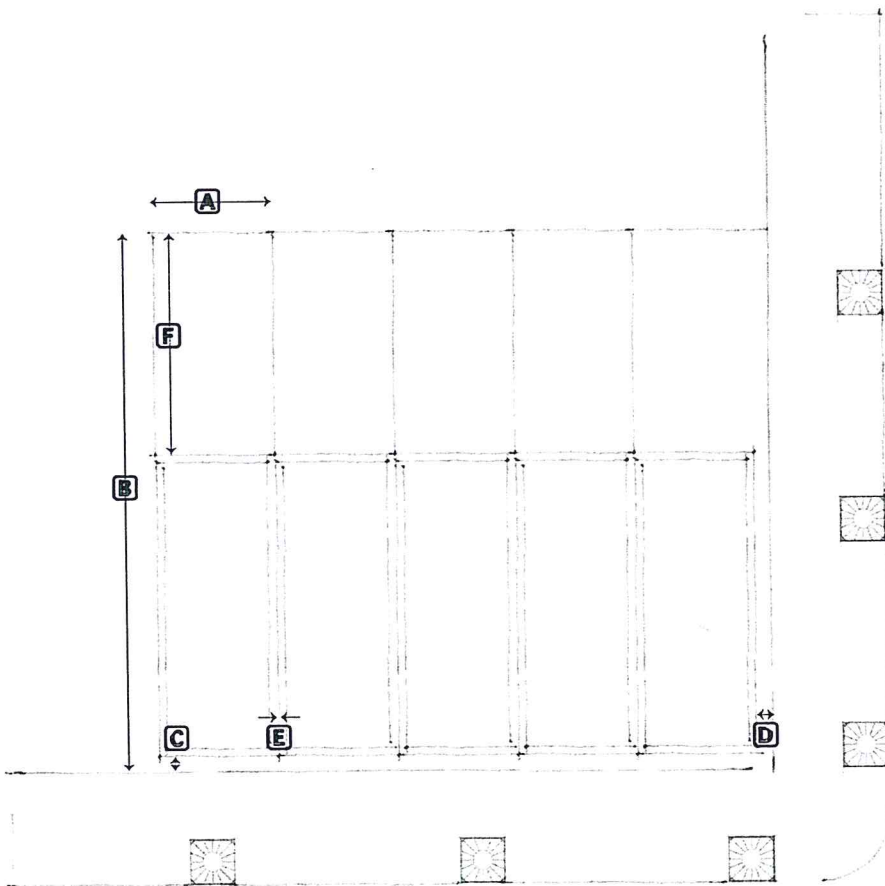
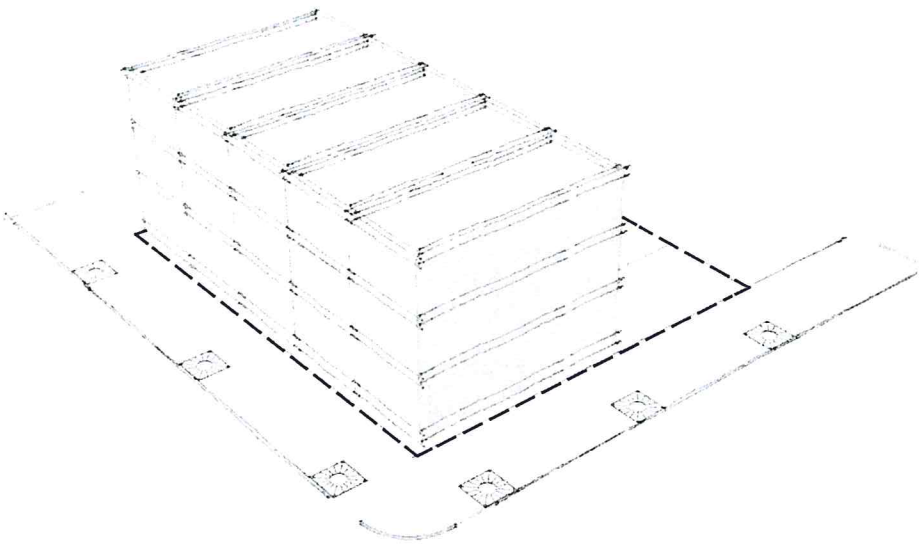
LOT OCCUPATION		
A Lot Width (min.)	72 ft.	
B Lot Depth (min.)	90 ft.	
Lot Area (min.) / (max.)		N/A
Building Coverage (max.)		70%
Lot Frontage (min.)		70%
SETBACKS		
Principal Building		
C Front Setback (min.)	10 ft.	
D Side Setback (corner) (min.)	5 ft.	
<input type="checkbox"/> Side Setback (interior) (min.)	5 ft.	
F Rear Setback (min.)	30 ft.	
Accessory Building / Garage		
G Side Setback (min.)	N/A	
H Rear Setback (min.)	N/A	
BUILDING HEIGHT		
Principal Bldg (max.)		3
Arcade (max.)		N/A
Accessory (max.)		N/A
PARKING (SEE SECTION 6.2)		
NOTES		



SECTION 5.11.4 DIMENSIONAL STANDARDS BY FORM

5.11.4H - LIVE-WORK

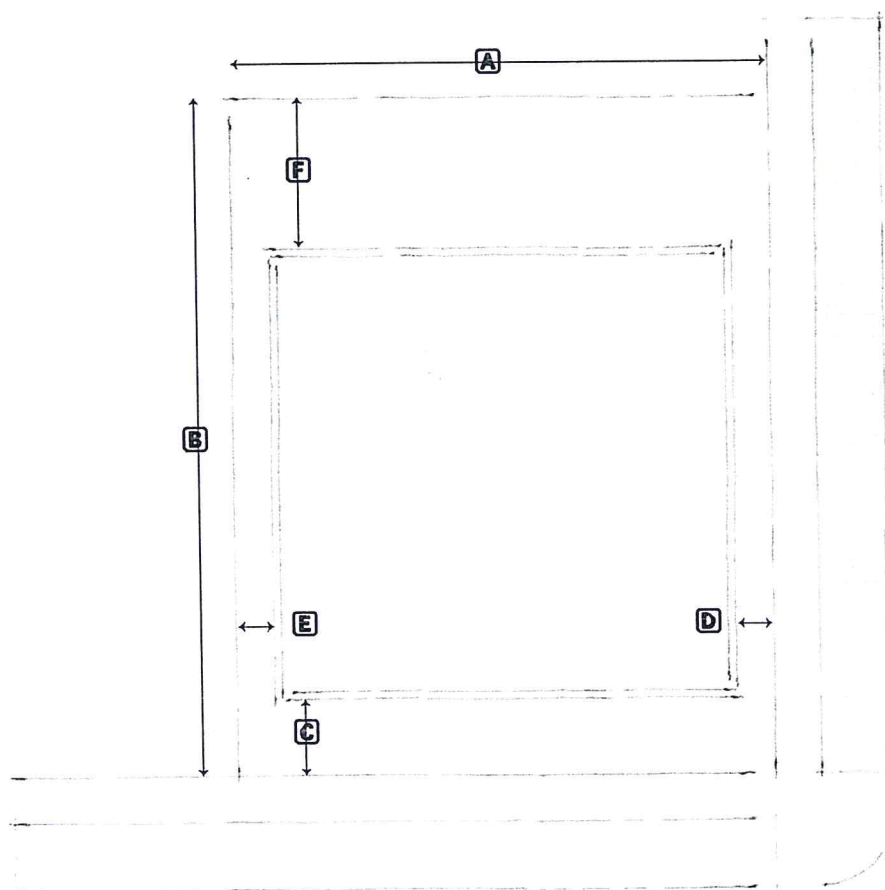
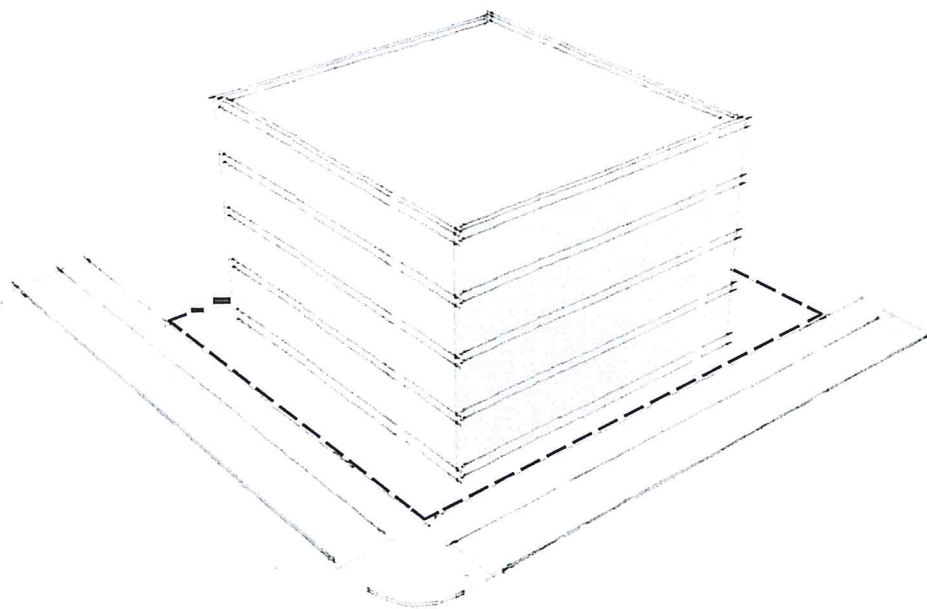
LOT OCCUPATION	
A Lot Width (min.)	20 ft.
B Lot Depth (min.)	80 ft.
Lot Area (min.) / (max.)	1,600 s.f.
Building Coverage (max.)	80%
Lot Frontage (min.)	70%
SETBACKS	
Principal Building	
C Front Setback (min.)	2 ft.
D Side Setback (corner) (min.)	2 ft.
<input type="checkbox"/> Side Setback (interior) (min.)	0 ft.
F Rear Setback (min.)	2 ft.
Accessory Building / Garage	
G Rear Setback (min.)	N/A
H Side Setback (min.)	N/A
BUILDING HEIGHT	
Principal Bldg (max.)	3
Arcade (max.)	N/A
Accessory (max.)	N/A
PARKING (SEE SECTION 6.2)	
NOTES	



SECTION 5.11.4 DIMENSIONAL STANDARDS BY FORM

5.11.4I - MULTI-FAMILY

LOT OCCUPATION	
A Lot Width (min.)	72 ft.
B Lot Depth (min.)	90 ft.
Lot Area (min.) / (max.)	N/A
Building Coverage (max.)	70%
Lot Frontage (min.)	70%
SETBACKS	
Principal Building	
C Front Setback (min.)	10 ft.
D Side Setback (corner) (min.)	5 ft.
E Side Setback (interior) (min.)	5 ft.
F Rear Setback (min.)	2 ft.
Accessory Building / Garage	
G Rear Setback (min.)	N/A
H Side Setback (min.)	N/A
BUILDING HEIGHT	
Principal Bldg (max.)	3
Arcade (max.)	N/A
Accessory (max.)	N/A
PARKING (SEE SECTION 6.2)	
NOTES	

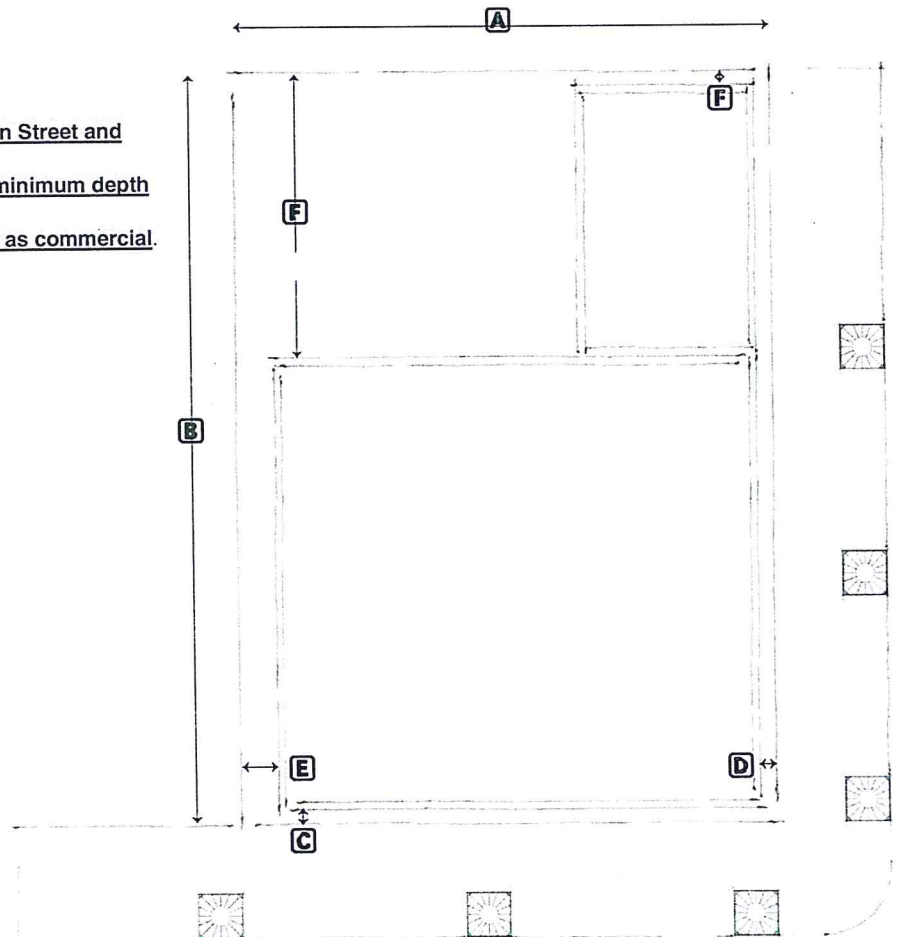
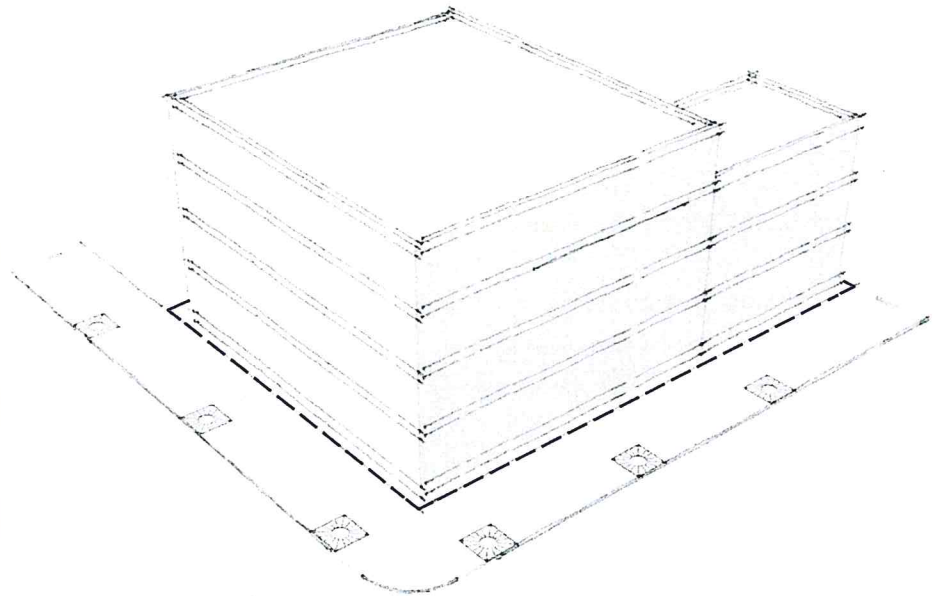


SECTION 5.11.4 DIMENSIONAL STANDARDS BY FORM

5.11.4J - MIXED-USE

LOT OCCUPATION	
A Lot Width (min.)	None
B Lot Depth (min.)	None
Lot Area (min.) / (max.)	N/A
Building Coverage (max.)	90%
Lot Frontage (min.)	70%
SETBACKS	
Principal Building	
C Front Setback (min.)	2 ft.
D Side Setback (corner) (min.)	5 ft.
Side Setback (interior) (min.)	5 ft.
F Rear Setback (min.)	2 ft.
Accessory Building / Garage	
G Rear Setback (min.)	N/A
H Side Setback (min.)	N/A
BUILDING HEIGHT	
Principal Bldg (max.)	4
Arcade (max.)	N/A
Accessory (max.)	N/A
PARKING (SEE SECTION 6.2)	
NOTES	

1. Mixed use shall be located along Grassy Plain Street and Durant Ave, at the Commission's discretion.
2. First floor fronting along street shall have a minimum depth of 50ft for commercial use.
3. Residential will be allowed on the same floor as commercial.



Section 5.11.5 Special Provisions

Section 5.11 TOD

A. Frontages

1. Intent: Maintaining a consistent street-wall is a fundamental component for a vibrant pedestrian life and a coordinated public realm. Retail buildings closely aligned to the street edge with consistent setbacks, provide a clear sense of enclosure of streets, enabling them to function as pedestrian-scaled outdoor rooms. The placement of buildings along the edge of the sidewalk should be given particular attention as it is that portion of the buildings that is the primary contributor to pedestrian activity.
2. Buildings shall be oriented so that the principal façade is parallel, or nearly parallel to the principal street it faces for the minimum building frontage requirement specified in **Table 5.9.4A**.
3. Forecourts, courtyards and other such defined pen spaces shall count towards minimum frontage requirements.
4. Exceptions to minimum frontage requirements may be permitted for lots that are constrained for environmental conditions, but shall require the approval of the Planning Director. Permitted exceptions include:
 - a. Streetscreen" a maximum of five feet high with a minimum 50% open above three feet.
 - b. Landscape buffers: a minimum for three feet high at planting.

B. Building Orientation

1. Building shall have their principal pedestrian entrance along a street, pedestrian way or open space, with the exception of entrances off a courtyard, visible from public right-of-ways.
2. Buildings with residential uses at grade shall be raised above the level of the sidewalk by two feet minimum.
3. Residential units with ground-floor units shall provide landscaping, walls, fences, stoops or similar elements to provide an attractive and private frontage to the building.
4. Townhouses shall distinguish each unit entry with changes in plane, color, materials, front porches, front stoops or railings.
5. Entrances to multi-family building shall provide protection from the elements with canopies, marquees, recesses or overhangs.
6. Walls, landscaping, hedging or fencing, when used in front yards, shall not exceed three feet in height.
7. All service and loading areas shall be entirely screened from public right-of-ways.

C. Building Massing & Materials

1. Intent: Buildings should be designed in proportions to reflect human-scaled pedestrian movement, and to encourage interest at the street level.
2. **The maximum building facade shall be 120 ft.** Buildings over 100 feet long shall be broken down to a scale comparable to adjoining properties.

Section 5.11.5 Special Provisions

Section 5.11 TOD

3. The facades of mixed-use buildings shall differentiate non-residential uses from residential uses with distinguishing elements and expression lines, projections, or changes in materials or windows.
4. Accessory structures shall use the same or similar materials, color and style of the primary structure's façade if the accessory structure is visible from a public right-of-way.
5. Rooftop equipment shall be concealed by a parapet or screened architecturally to minimize its impact, with materials and elements consistent with the design of the building.
6. HVAC and mechanical equipment in multi-family and mixed-use buildings shall be integrated into the building design and shall not be visible from primary frontages and open spaces. Through-wall units and vents are prohibited along street frontages unless recessed within a balcony.
7. Outdoor storage and building utility equipment shall be screened from public view. If outdoor storage area is separate from the building it serves, the fence materials are limited to masonry, concrete, stucco, wood, PVC and metal, excluding chain-link.

Section 5.11.5 Special Provisions

Section 5.11 TOD

D. Storefronts

1. Intent: Retail storefronts should be architecturally articulated through the varied use of high-quality durable materials, display windows, entrances, awnings and buildings signs. Their signage, glazing and doors should be conceived as a unified design. Outdoor dining areas for food and beverage establishments should be encouraged.
2. Retail shops shall provide a minimum of 70% glazing (void to solid ratio of surface area along primary facades at the ground level).
3. Retail shops shall provide a minimum of 12 15-feet of height from floor to floor.
4. The scale and configuration of large format retail buildings shall be compatible with the massing and urban character of downtown Bethel and adjacent buildings.
5. Opaque, reflective or smoked glass shall be prohibited on storefront windows, except for use as accent materials.
6. Retail storefront materials at ground floors should be stone, brick, concrete, metal, glass and/or wood. Vinyl shall be prohibited from mixed-use and multi-family buildings.
7. Outdoor dining areas on sidewalk and public right-of-ways shall be allowed subject to the following standards:
 - a. Outdoor dining areas shall be separated from public walkways and streets using railings, wrought-iron fences, planters, landscaping and other suitable materials such that a minimum unobstructed pedestrian path of at least six feet wide is allowed along public right-of-ways.
 - b. Access to storefront entrances shall not be impaired.

E. Common Open Space

1. Intent: As an important component of the public realm, common open space ranging in size and character will positively contribute to the vitality of the urban environment, enrich the civic spirit of the community and reinforce the area's biodiversity and ecology.
2. Common open space shall be visible with a minimum of one side bordering a street, unless constrained by natural conditions. Open spaces shall be directed entered into from a street.
3. Common open spaces shall contain benches, trash receptacles and bike racks, in keeping with the scale of the place. All furnishings shall meet applicable Town standards.

F. Yard Exceptions

1. Where two or more lots zoned TOD make use of a single joint entry from and single joint exit to a public street, the minimum side and rear setback requirements may be omitted along common property lines, provided that:
 - a. Such entry- and exit-ways are located entirely within a TOD Zone.

Section 5.11.5 Special Provisions

Section 5.11 TOD

- b. Adequate provision is made, in the judgment of the Commission, that present and future access is guaranteed to properties not having the required frontage.
- c. Adequate provision is made for access by emergency vehicles to all properties.
- d. All properties are, in the judgment of the Commission, of such proportions as to be usable for the intended permitted use.
- e. An agreement is filed on the land records where each property grants each other property the rights of access, egress, and passage.

Section 5.11.5 Special Provisions

Section 5.11 TOD

G. Height Exceptions

1. The height limitations of these Regulations shall not apply in TOD zones to:
 - a. flagpoles less than fifty (50) feet in height above finished grade,
 - b. schools, public libraries, municipal buildings, and museums which may be built to a height not to exceed three (3) stories, or
 - c. public utility facilities which may be built to a height not to exceed fifty (50) feet.
2. Solar panels may exceed the height limitations of these Regulations provided that:
 - a. such panels shall not project more than 12 (12) inches above the roof and shall be located so that no part of any such installation shall project above a thirty-degree slope from the edge of the roof.
3. Roof-top appurtenances (such as HVAC equipment, stairwell housings, elevator shafts, air-conditioning units, cooling towers, heat pumps, or similar mechanical equipment) may exceed the height limitations of these Regulations provided that:
 - a. such appurtenances shall not project more than ten (10) feet above the roof and shall be located so that no part of any such installation shall project above a thirty-degree slope from the edge of the roof, and
 - b. all such appurtenances shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, and
 - c. such equipment shall not have a horizontal area greater than twenty percent (20%) of the roof area of the building on which it is located without approval of a Special Permit by the Commission.

H. Use Limitations Based on Performance Standards

It is the intent of this section to ensure that operations, uses, and activities in the TOD Zone in Bethel are established and maintained in a manner not detrimental to the public health, safety and welfare and in a manner beneficial to the use, enjoyment and value of neighboring properties. The use of performance standards is necessary to measure potential nuisances and hazards objectively, thereby protecting operations, uses, and activities from arbitrary control and at the same time affording the neighboring properties and the general public necessary protection against hazards and nuisance.

Refer to Section 6 for specific Performance Standards

Design Guidelines

A visual supplement to the TOD Zoning Code

SECTION 5.11 TOD

Date: 03 May 17

Prepared for:
The Town of Bethel, CT



Prepared by

Sullivan Architecture, P.C.

31 Mamaroneck Ave., White Plains, NY

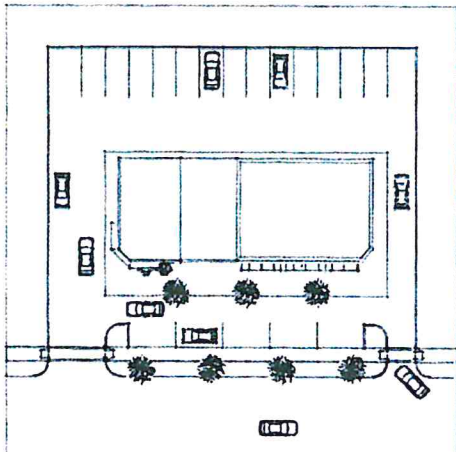
SECTION 5.11.6 DESIGN GUIDELINES

Included in this section are design guidelines intended to supplement SECTION 5.11.5 SPECIAL PROVISIONS of the TOD Zoning Code. The purpose of the guidelines is to establish visual and architectural recommendations to supplement the principals outlined in the TOD Zoning Code. These guidelines will focus on (4) areas: Streetscape Design, Site Design, Building Design and Neighborhood Design.

Overall Vision: The overall vision for the TOD has been illustrated in the Master Plan Report prepared by DPZ Partners, dated 18 July 2016. Some of the concepts are illustrated in these Design Guidelines to convey the more overall, comprehensive goals. Individual site or building applicants are encouraged to review their projects, program and design goals for alignment with the Master Plan. This review is best accomplished through meetings with the Planning Department prior to submission of complete applications.

A. STREETScape DESIGN

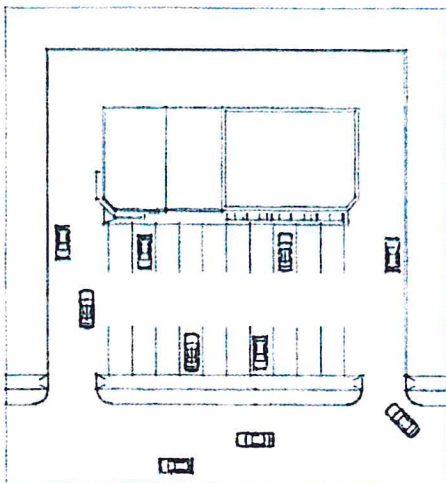
1. Maintain a consistent street-wall with the principal façade(s) of the buildings parallel with the street. Parking should be located either behind the building, or along the street, if on-street parking is provided.



DO: Locate parking in the rear of the building, and/or parallel to the street.



DO: Maintain a consistent street wall, closely align buildings to the street edge, and orient buildings so that the principal façade is parallel to the street



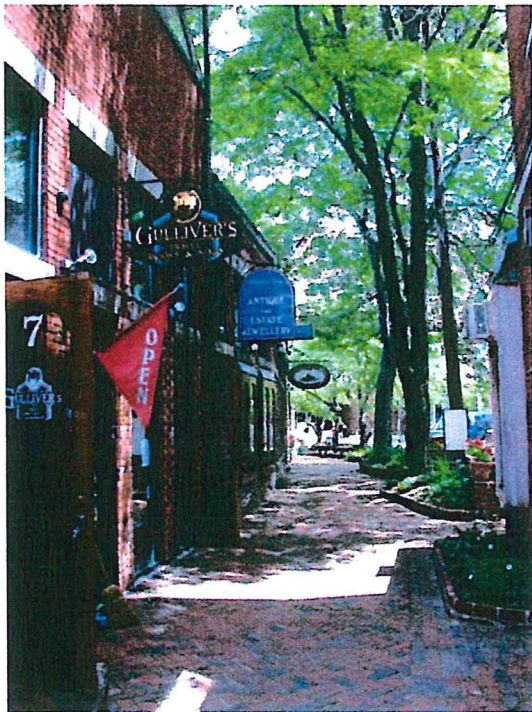
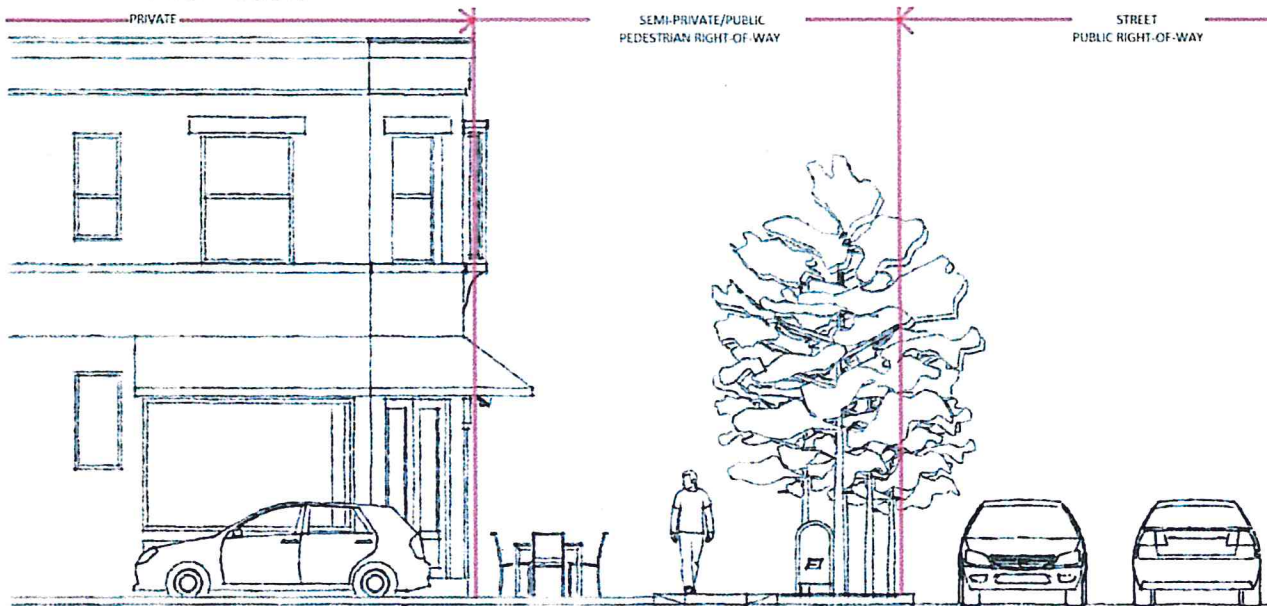
DON'T: Locate parking in the front yard and set buildings to the rear.



DON'T: Place parking directly in front of a building, or design a building that lacks human scale and does not encourage pedestrian activity.

(Draft Note: the planning concepts illustrated here require confirmation of alignment with specific zoning bulk and height tables...e.g. if a specific setback table allows the “Don’t” diagram below, and this diagram recommends the “Do” diagram, then a path to compliance and resolution needs to be studied).

2. Buildings, street design, landscaping, site furnishings, signage, awnings and lighting all contribute to the overall feeling or experience of walking or driving through a particular area or neighborhood. Human scale should be considered when designing, sizing and placing all of these elements within the streetscape. See the MASTER PLAN REPORT, pg. 122 “Street Design” for more specific information.



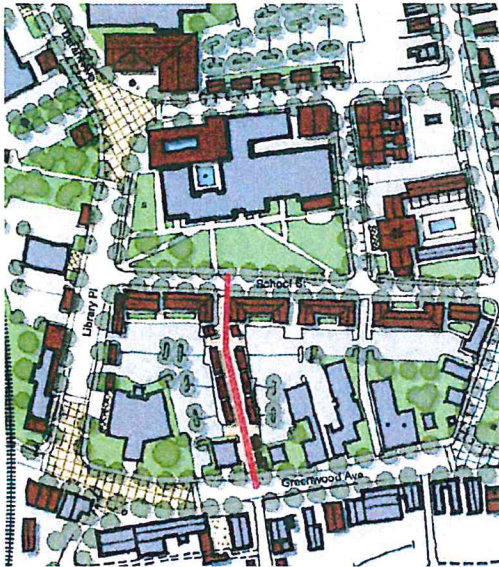
DO: Enhance the streetscape with street trees, landscaped islands, pavers and appropriately-scaled signage and lighting.



DO: Create designated street parking with pavers and landscaped areas. Incorporate street furniture, site sculpture and other elements to welcome vehicular and pedestrian traffic.

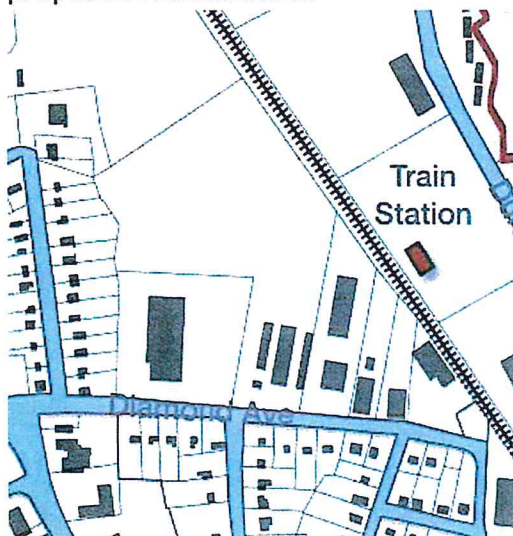
B. SITE DESIGN

Core Concepts: Always aim to create a distinct, safe separation between pedestrian and vehicular traffic. Look for design solutions that connect the network of paths, streets, open space, parking, sidewalks and individual properties. The linkage of distinct areas and neighborhoods is the key to providing active, livable, pedestrian friendly environments.



This drawing is taken from the Master Plan Report, pg. x.163. It illustrates the concept of connecting School St. & Greenwood Ave. creating a pedestrian alley lined with small, retail shops.

1. **Individual Sites:** Structures placed on an individual site should always try and maintain a consistent street-wall. Retail buildings closely aligned to the street edge (consistent setbacks) will maintain a clear sense of enclosure of streets, enabling them to function as pedestrian-scaled outdoor rooms. Below is an example taken from the Master Plan Report of Diamond Ave. – Existing conditions and proposed revitalization.



EXIST: Buildings along Diamond Ave. are set back from the street edge



PROPOSED: Revitalization of Diamond Ave. illustrates new development re-located to line the street edge creating a cohesive frontage of similar, compatible uses that are pedestrian and bicycle friendly.

2. **Building Orientation:** Buildings should be placed on the site so that their principal façade is parallel, or nearly parallel to the principal street it faces.

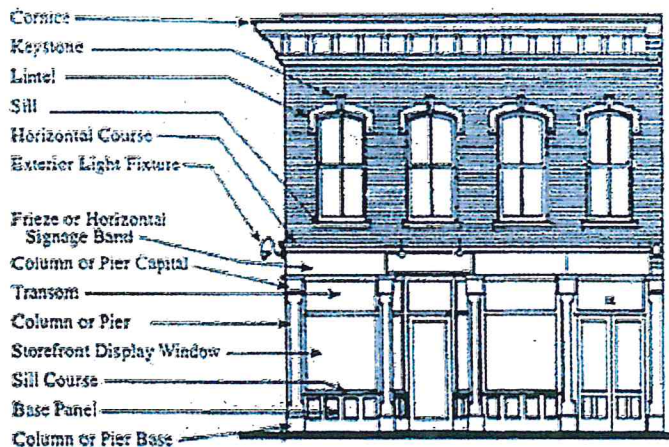


DO: Place buildings on a site to minimize building frontage, and locate principal pedestrian entrances along the principal street, pedestrian way or open space.

C. BUILDING DESIGN

1. **Building Proportion:** A building's size, height and overall architectural design (wall planes, roof forms & pitches) all contribute to the way a building is perceived from the street or sidewalk by a pedestrian or a person travelling in a car. Buildings should be designed in proportions to reflect human-scaled pedestrian movement, and to encourage interest at the street level. A sense of human scale can be achieved by using building materials of familiar dimensions such as traditional brick, or materials that are applied in units, panels or modules. The ground floor can be defined with a canopy, fenestration (different from above story(s)), change in materials and/or building step backs.

In the example below, in a traditional architectural style, the various building elements are differentiated with a change in vertical dimension, the use of different materials, and architectural detailing that relates to the human experience.



Note: While a traditional architectural vocabulary is used throughout this document to illustrate basic design principals, the intent is not to prescribe any specific architectural style.

2. **Building Mass & Scale:** When faced with taller or longer buildings, use vertical or horizontal articulation techniques to break down the overall mass into smaller, more 'user-friendly' portions. Use articulation techniques in plan and/or elevation that relate to the mass & scale of buildings on adjoining properties.

Vertical articulation techniques: Use architectural elements/detailing such as moldings, columns, a change in materials, offset wall plane(s), vary the roof types and pitch, profile, plate height(s).

Horizontal articulation techniques: Use architectural elements/detailings such as moldings, belt courses, storefronts (more glazing), parapets, a change in materials, wall offset(s).



This is a good example of both vertical and horizontal articulation techniques. Although buildings are all aligned along the “street wall” and not stepping forward or back, a good sense of massing, proportion/human scale is achieved.



This large building mass is broken up both horizontally and vertically by major offsets/stepbacks in the wall planes(s), the variation of heights, the use of an assemblage of architectural elements – (moldings, parapets, balconies). The result is a less massive, more humanly-proportioned building.

DO: Break up vertical and horizontal massing of large buildings to achieve a more humanly-proportioned streetscape experience



DO N'T: Have one, monolithic façade with no articulation of elements as outlined above.



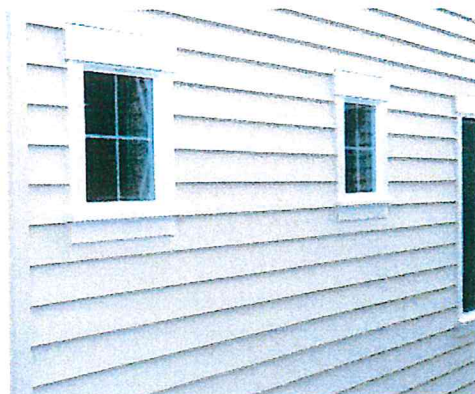
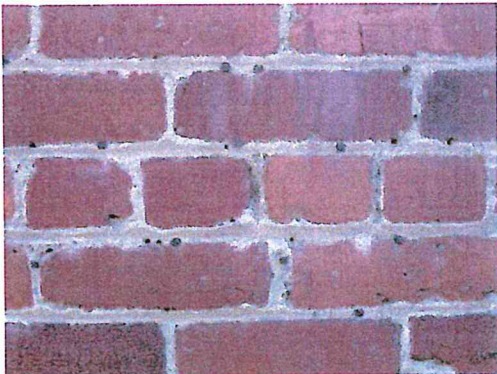
DO N'T: Have a singular repetitive design repeat across a long façade, or use all the same materials, detailing, color. Avoid long, blank wall areas. The result is an unfriendly, poorly proportioned façade.

3. **Building Materials:** As outlined above, materials should be used to convey a sense of human scale, and create visual interest to pedestrians – thus creating a walkable, vibrant streetscape that is alive with activity. The facades of mixed-use buildings shall differentiate non-residential from residential uses with distinguishing elements such as changes in materials, fenestration, architectural detailing, projections. Accessory structures shall use the same or similar materials, color and style of the primary structure's exterior facades.

When a traditional style of architecture is implemented, materials that have been successful in their use for a particular style over time should be implemented. For example, a victorian style house may have some intricate trim and moldings that will not be easily crafted from a vinyl product, and in this case wood would be the better choice.

Natural, sustainable and low-maintenance materials should always be a priority. Such materials include:

- Common brick
- Natural stucco
- Wood (cedar) siding and/or shingles, shakes
- Solid fiber cementitious siding and or shingles/shakes
- Natural stone veneer
- Wood, aluminum or vinyl clad windows and doors. Windows and doors with glazing should pay particular attention to the type muntin/divided lite construction. The muntins should not be thin strips of metal or plastic adheared to the glass, but should have a depth and a profile, and preferably be "Simulated Divided Lites" ("SDL") type with a spacer bar in between the glass to mimic the traditional separation of the individual sections of glazing



DO: Use natural and sustainable materials when possible



DO: Use natural, sustainable and low-maintenance materials; Compliment materials of adjacent/surrounding buildings. Select color schemes with 1 or 2 colors for exterior walls and detailing.

4. **Storefronts:** In a commercial district, the design of the ground floor of a building is a critical component in the mission to engage the public realm and promote pedestrian activity. Retail storefronts should be architecturally articulated through the varied use of high-quality durable materials, glazing/display windows, doors, entrance awnings and signage. All of these elements should be conceived in a unified design. Retail shops shall provide a minimum of 70% glazing and a minimum of 15 feet of height from floor-to-floor. Opaque, reflective or smoked glass shall be prohibited on storefront windows, except for use as accent materials.

Retail storefront materials to be used at ground level: Stone, brick, concrete, metal, glass, wood. Vinyl products shall not be considered.





Examples of mixed use: ground floor retail/upper stories residential

5. Equipment enclosures & fencing: Rooftop equipment shall be concealed by a parapet or screened architecturally to minimize the visual impact of the equipment. The walls or enclosures shall be constructed of similar materials, color and style of the primary structure's façade. Through wall mechanical units and louvers are prohibited along street frontages unless recessed withing a balcony. Outdoor storage and building utility equipment shall be screened from public view. Acceptable fencing materials shall be masonry, concrete, stucco, wood, PVC and metal, excluding chain-link.

D. NEIGHBORHOOD DESIGN

1. Overall Goals: When a new residential housing development (single or multi-family) is proposed for the TOD, it will follow the guidelines outlined in the Master Plan and the TOD Zoning Code. The overall goals of the Master Plan should always be at the forefront of any proposed design:
 - Create a walkable, mixed use, connected community
 - Encourage a harmonious mix of building types that are in keeping with the scale and character of Bethel
 - Prioritize other forms of circulation over the automobile, including transit, walking and cycling that provide improved mobility and greater health benefits.
 - Protect environmentally sensitive lands and provide adequate open space.
2. Planning: When a new residential development is planned, careful consideration should be given to the placement of the new buildings with respect to the existing street(s) and building frontages. All too often new residential developments are planned with the new buildings facing inward towards a new network of roadways, turning their backs on the existing neighborhood. The new streets should follow all guidelines outlined in the Master Plan, and aim for connectivity to the existing/surrounding context so that the new development does not feel like an entity onto itself, but rather a part of the larger public realm (i.e. Bethel community).
3. Natural Environment: The widely accepted practice of completely clearing a site of all existing vegetation prior to excavation for a new development leaves us with an stark and barren vision of new houses, dotted with miniature versions of the trees and vegetation that "once was". We are forced to wait, 10, 20, or 30 years for the new trees to reach maturity (for those that survive) and "blend in" with the surrounding areas. A careful analysis of an existing site slated for re-development should include

an inventory of existing healthy, mature trees, and a sincere effort should be made to design the layout of building and streets of the new neighborhood with the priority of preserving some of the existing natural landscape.

4. **Building Design:** New residential buildings in the TOD will follow the TOD Zoning Code for building types and dimensional standards. The basic principals outlined in “Section C Building Design” above will apply. Townhouses shall distinguish each unit entry with changes in plane, color, materials, front porches, front stoops or railings. Buildings over 100 feet long shall be broken down to a scale comparable to adjoining properties by building plan or elevation articulation.



DO: Design neighborhoods that are walkable, connected to the surrounding streets, use a variety of architectural styles and materials, and preserve and enhance existing trees and landscaping.

SECTION 5.12. INCENTIVE HOUSING ZONE

A. Purpose

The Incentive Housing Zone is an Overlay Zone that superimposes over underlying Zoning within the Transit Oriented Development Zone Area, whose purpose is as follows:

1. To promote the continued revitalization of the downtown area by encouraging mixed-use development that will provide for a variety of housing and business opportunities;
2. To promote the development of a transit-oriented, pedestrian-friendly town center area;
3. To benefit from the financial incentives provided by Connecticut General Statutes (CGS) Section 8-13m et seq;
4. To comply with recommendations of the 2007 Town of Bethel Plan of Conservation and Development, "Bethel Forward" Transit Oriented Development Plan dated July 18, 2016, and meet the requirements of Connecticut General Statute (CGS) 8-30g by identifying areas of the Town to foster housing opportunities for moderate-income residents.

B. Definitions

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meanings they have in common usage and to give this section its most reasonable application.

As used in this section, the following words shall have the meanings indicated:

APPROVED INCENTIVE HOUSING ZONE – an Overlay Zone that has been adopted by the Bethel Planning & Zoning Commission in furtherance of CGS Section 8-13q.

BUILDING PERMIT PAYMENT – a one-time payment, made pursuant to section 8-13s, for each qualified housing unit located within an incentive housing project for which a building permit has been issued by the Town.

CERTIFICATE OF OCCUPANCY PAYMENT – a one-time payment for each qualifying unit located within the incentive housing project to the developer, from the Affordable Housing Trust Fund in the amount of \$2,000.00 (two-thousand dollars) upon approval by the Planning & Zoning Commission.

DEVELOPABLE LAND – the area within the boundaries of an approved Incentive Housing Zone that feasibly can be developed for residential or mixed uses consistent with the provisions of these Regulations and CGS Sections 8-13n through 8-13x, inclusive, not including:

- i. Land already committed to a public use or purpose, whether publicly or privately owned;
- ii. Existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement;
- iii. Land otherwise subject to an enforceable restriction on or prohibition of development;
- iv. Wetlands or watercourses as defined in CGS Chapter 440, and;
- v. Areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

DUPLEX – a residential building containing two units.

ELIGIBLE LOCATION – can be interpreted by one of the following classifications:

- i. An area near a transit station, located within the Transit Oriented District where 4 (four) dwelling units or more are **proposed to** be built;
- ii. An area of concentrated development such as a commercial center, existing residential or commercial district, or village district established pursuant to CGS section 8-2j, or;
- iii. An area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an incentive housing zone within the Transit Oriented Development Zone.

HISTORIC DISTRICT – a historic district established pursuant to CGS Chapter 97a.

INCENTIVE HOUSING DEVELOPMENT – a residential or mixed-use development:

- i. that is proposed or located within an approved Incentive Housing zone;
- ii. that is eligible for financial incentive payments set forth in this section and sections 8-13n to 8-13x, inclusive, and;
- iii. in which not less than twenty (20%) and not more than thirty (30%) percent of the dwelling units will be conveyed subject to an Incentive Housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent or less of the median income.

INCENTIVE HOUSING RESTRICTION – a deed restriction, covenant, zoning regulation, site plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by this Section and Sections 8-13n through 8-13x, inclusive, enforceable for thirty years as required by said sections, and recorded on the land records of the municipality where the housing is located.

INCENTIVE HOUSING UNIT – a dwelling unit within an Incentive Housing project that is subject to Incentive Housing restrictions.

INCENTIVE HOUSING ZONE – a zone adopted by the Planning & Zoning commission pursuant to this Section and CGS Sections 8-13n through 8-13x, inclusive, as an overlay to one or more existing zones, in an eligible location.

MEDIAN INCOME – means, after adjustments for household size, the area median income as determined by the United States Department of Housing and Urban Development for the municipality in which an approved incentive Housing Zone or development is located.

MIXED-USE DEVELOPMENT – a development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses.

PUBLIC TRANSPORTATION – a use or structure that facilitates the transportation of the general public, including but not limited to, bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like.

C. Designation of Overlay Zones

The Planning & Zoning Commission may designate appropriate areas of the town for overlay Incentive Housing Districts. Such Incentive Housing Districts shall conform to the following:

1. Reasonable accessibility to and integration with rail, bus, vehicular and other transportation means;
2. Capable of supporting a pedestrian-friendly streetscape and parking needs;
3. Presence of retail commercial activities;
4. Suitable for construction of public congregation areas and parks;

5. Retention of historical attributes of the area, and;
6. Be consistent with the policies and goals as indicated in the State of Connecticut Plan of Conservation and Development.

D. Location

The boundaries of Incentive Housing Zones (IHZ) will be shown on the official Bethel Zoning Map and will be considered to be eligible for Incentive Housing Development. Additional areas, when reviewed and found qualified, may be added at a later date.

E. Application Process The process and requirements are set forth in the Design Guidelines and Standards Manual and also include the following:

1. The Applicant shall submit to the Commission a narrative and data, which outlines and explains how the requirements of these Incentive Housing Regulations and CGS 8-13m et seq. will be met after data has been reviewed by staff and the Housing Administrator of the Town of Bethel.
2. If the Commission formally determines that the proposed designation and/or project is eligible in compliance with these regulations and is consistent with CGS section 8-13m et seq., the applicant shall then submit an Application in accordance with Section XXXX

F. Incentive Housing Requirements

The following regulations shall govern the residential units in an Incentive Housing Development:

1. Twenty percent (20%) of all dwellings within a development shall be designated Incentive Housing Units with thirty percent (30%) being the maximum amount of Incentive Housing Units allowed.
2. Incentive Housing Units shall be rented or sold and occupied only by Eligible Households.
3. Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the town land records. The Incentive Housing Restriction shall include the following:
 - a. A description of the Incentive Housing including whether the Incentive Housing Units, at the time of initial unit occupancy, will be rented or owner-occupied;
 - b. An identification of the Incentive Housing Units;
 - c. The name and address of the Incentive Housing Administrator;
 - d. A requirement that only an Eligible Household may reside in an Incentive Housing Unit;
 - e. The formula pursuant to which rent of a rental unit or the maximum sale or resale price of homeownership unit will be calculated;
 - f. The term of Incentive Housing Restriction, which shall be minimum of ***thirty (30) years***, calculated on a per unit basis from the date of the initial residential occupancy of each Incentive Housing Unit;
 - g. Provision for the monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Commission;
 - h. Provision that the Incentive Housing Administrator shall file an annual report to the Commission, in a forms specified by the Commission, certifying compliance with this Section;
 - i. Any other provision necessary to ensure compliance with these Regulations, including the Design Guidelines and Standards Manual, the site or project approvals and permits, and consistency with CGS section 8-13m et seq.

G. Design and Technical Standards

The following are in addition to those required in the underlying districts:

1. Water and Sewage: All projects shall be served by municipal sewer facilities and a public water supply.
2. Site and Building Design Standards: Design and technical standards for compliance for site and building design are set forth in the **Design Guidelines and Standards Regulations** Section .5.11

H. Density Requirements

Density requirements are determined within the TOD see Section 5.11

I. Parking

Parking requirement are established in Section 6.2 except as modified hereinafter:

1. Shared Parking: Parking requirements for mixed use projects in the Durant Avenue and Grassy Plain Street may be calculated using the parking calculation found in Section 5.94j.

J. Occupancy Regulations

Copies of all project regulations and declarations of unit ownership shall be submitted to the Commission for approval. They shall set forth all definitions, articles, rules, by-laws and enforcement procedures pertaining to:

1. Seller's and Owner's responsibilities
2. Maintenance and funding responsibilities
3. Tenant Responsibilities
4. Occupant/tenant restrictions including fire prevention methods
5. Maximum fines
6. Termination provisions

Incentive Housing District

6.2.C.7 (NEW)

2.	Institutional-Type Uses	
a.	Church, Community center	One space per 150 square feet of useable floor area
b.	Club, lodge, fraternal organization	One space provided per 100 SF useable
c.	Educational facility	25 spaces, plus: <ul style="list-style-type: none"> • Two off-street parking spaces per classroom up to grade 8 • 10 off-street parking spaces per classroom above grade 9
d.	Places of assembly	One space per 3 seats or one space per 3-person capacity
3.	Business Uses	
a.	Retail store	One space per 200 SF of gross floor area
b.	Personal service establishment	One space per 200 SF of gross floor area
c.	General office	One space per 200 SF of gross floor area
d.	Financial institution	One space per 200 SF of gross floor area
e.	Medical office	One space per 150 SF of gross floor area
f.	Gasoline station	One space at each dispenser plus an additional parking space for each dispenser
g.	Automobile repair	Two spaces plus one additional space per 200 SF of gross floor area and one space per bay
h.	Industrial uses	1.5 spaces per 1,000 SF of gross floor area
4.	Hospitality Use	
a.	Sit-down restaurant	One space per 100 SF of public floor area and one space per 200 SF of non-public floor area
b.	Fast food restaurant	One space per 100 SF of public floor area and one space per 200 SF of non-public floor area
c.	Hotel or motel	One space per habitable unit plus one space per employee on the largest shift
d.	Microbrewery [effective 8/1/2016]	Two spaces per 1000 SF of non-public floor area plus one space per 100 SF of public floor area
5.	Recreational Use	
a.	Indoor recreation facility (tennis, ice-skating, etc.)	One space per 150 SF of public floor area
b.	Outdoor recreation facility (miniature golf, batting cage, golf driving range, etc.)	One space per station (at full capacity of facility), plus one space per employee
c.	Theater	One space per three seats
6.	Miscellaneous Use	
a.	Day-care or nursery school	One space provided per 200 SF of GFA
b.	Uses not listed	As determined by the Commission
7.	Mixed Use Development	
a.	<u>Efficiency, one bedroom, or 2 bedroom units</u>	<u>1.5 spaces per dwelling unit</u>
b.	<u>Visitor Parking</u>	<u>0.25 per unit</u>
c.	<u>Retail</u>	<u>3 per 1,000 SF of gross floor area</u>
d.	<u>Office</u>	<u>3 per 1,000 SF of gross floor area</u>
e.	<u>Medical</u>	<u>5 per 1,000 SF of gross floor area</u>
f.	<u>Restaurant</u>	<u>7 per 1,000 SF of gross floor area</u>

Section 2.2 Definitions (Adendum)

Section 5.9 TOD

Live-Work: a rearyard, fully mixed-use building type with one dwelling above or behind a commercial space, that shall be limited to a maximum of 50% of the dwelling unit area.

Mixed-Use: a rearyard, flexible commercial building type. Commercial buildings have floor-plates deeper than residential ones.

Tower House: A rear loaded, single-family dwelling, on a regular lot, served by an alley where an internal garage is provided at or below sidewalk level.

Town House: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire- resistant wall.

Tuck-Under: A rear loaded building served by an alley or parking court where an internal garage is provided at or below sidewalk level. Habitable space is located along the primary frontage at grade and is accessible from the main pedestrian entry. *Syn. Tuck-under Townhouse.*

6-Pack: A building, similar to a large house, able to accommodate a wide variety of uses, including conventional apartments, single-room occupancy units, bed & breakfast inn, small professional office, and a restaurant. This is a useful and resilient building type which can evolve organically. Since it is small, if the parking is hidden to the rear, the 6-Pack is compatible with single-family houses. *Syn: Urban Villa, Small Multi-Family.*

Work-Live: a rearyard, fully mixed-use building type with one dwelling above or behind a commercial space that exceeds 50% of the dwelling unit area.